

SRBA Claim Number A63-5376

Date of Photos 09/26/2001

Photographer Timinucci

Legal Description T6N R1E S35 NW NWSE

① Point of Diversion/
Place of Use

Photo taken from
top of bank.



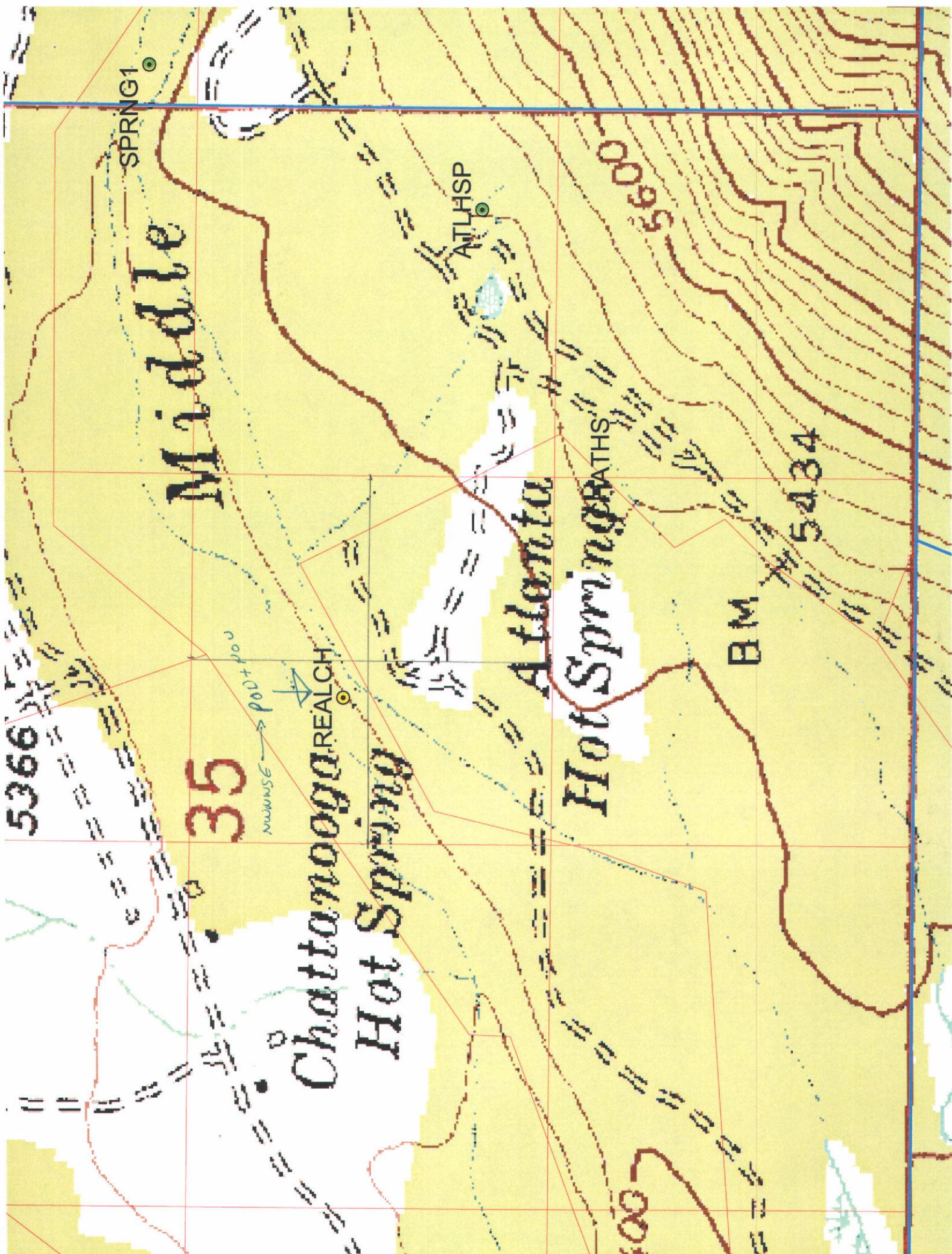
② Point of Diversion/
Place of Use.

Pool at the bottom
of the bank.

Rocks + logs form
pool. Discharges
to river.

Accompanied by
Mrs. Karen Sayko





SPRNG1

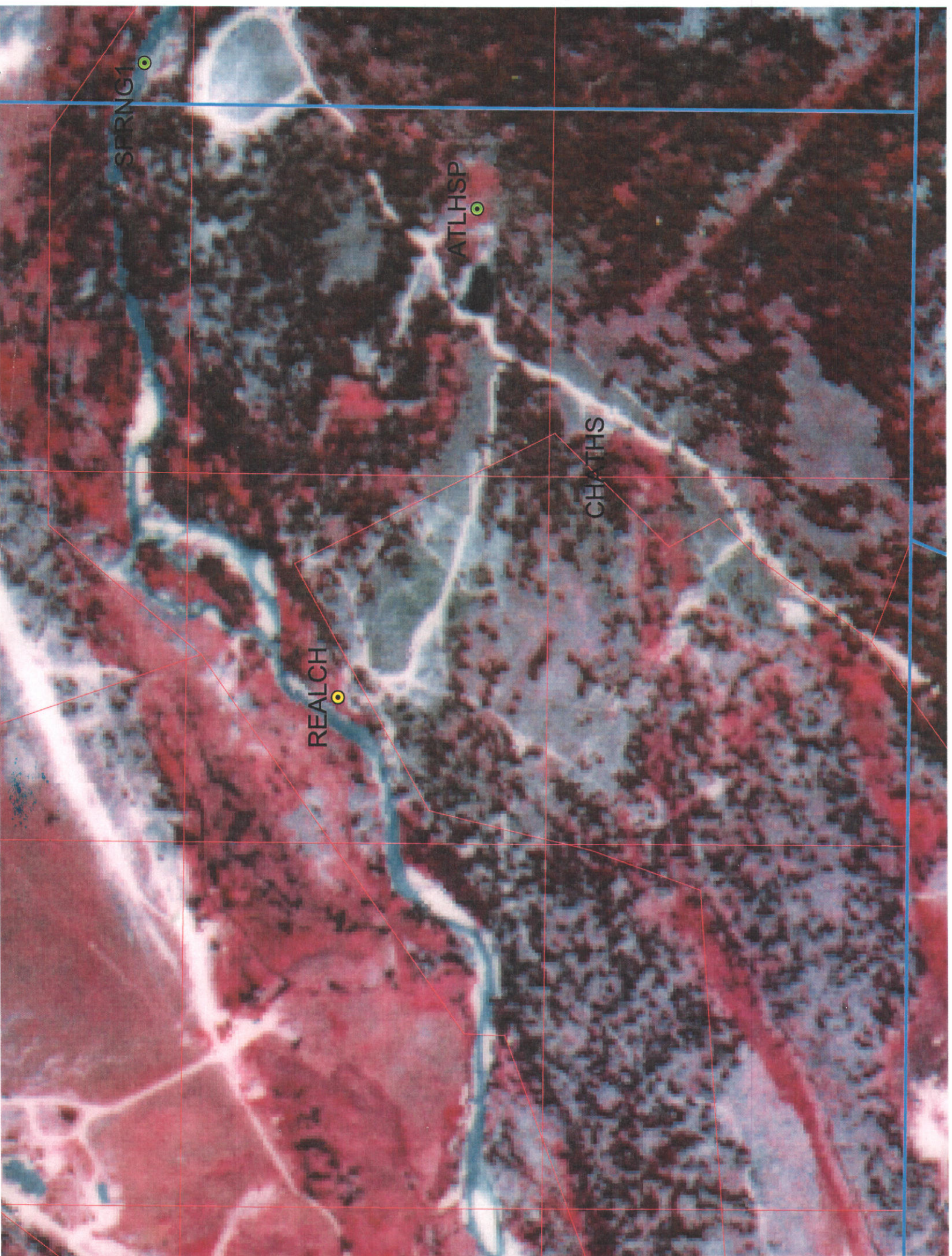


ATLHSP

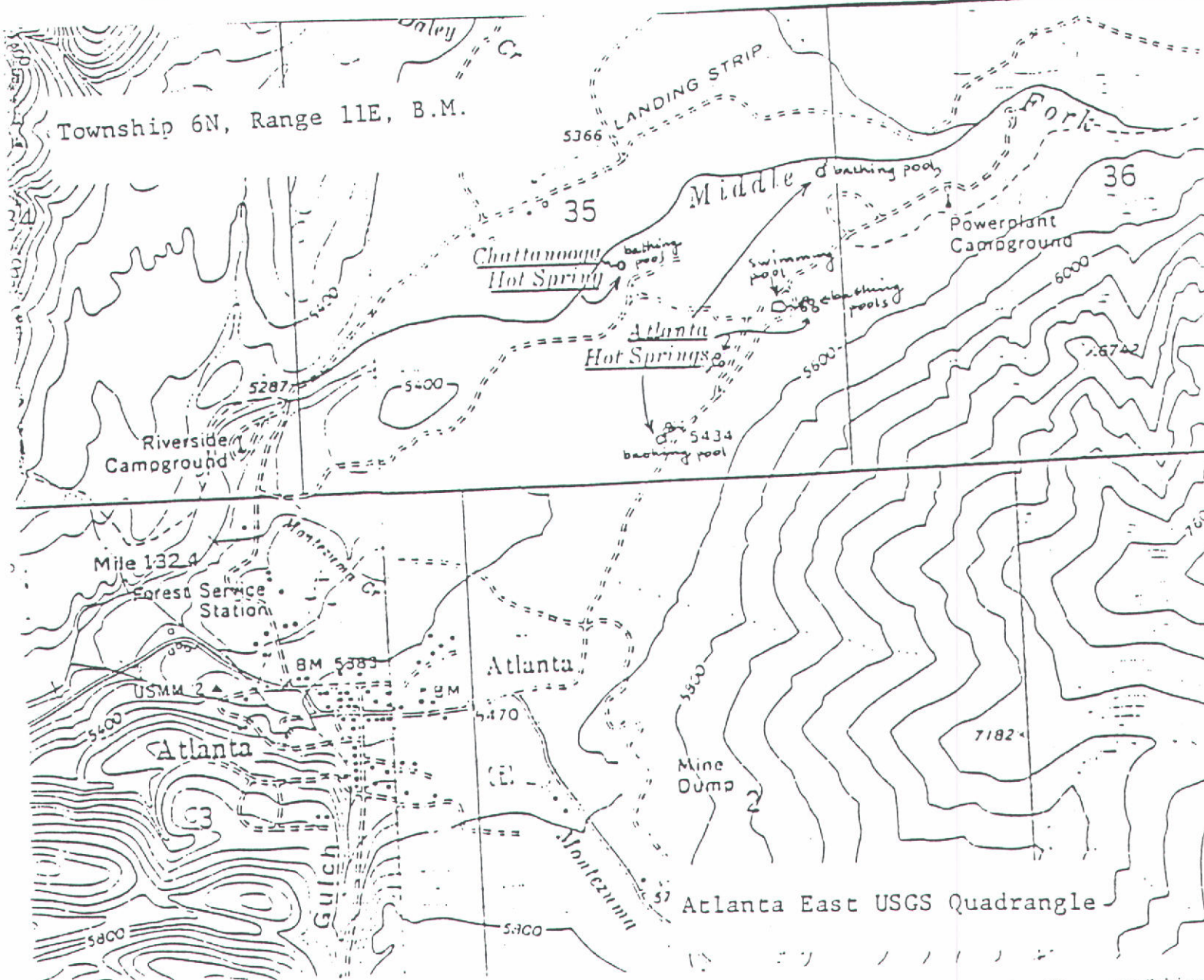


CHATHS

REALCH



(8) Remarks _____



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivision: section, township and range of the public land survey system.

State of Idaho)
) ss.
County of _____)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

The Village of Atlanta, Idaho, by and through the Atlanta Historical Society, by its President:

Kenny Morrison
(Claimant)

Sworn to before me this 3rd day of July, 1985.

[Signature]
Notary Public
Residing at [Address]

My commission expires 1/1/86

FOR DEPARTMENT USE ONLY			
Received by <u>[Signature]</u>	Date <u>10/5/85</u>	Exception filed by:	Forwarded to claimant by:
Prelim. check by <u>[Signature]</u>	Date <u>10/5/85</u>	# <u>36175</u>	
30.00 fee received by <u>[Signature]</u>	Date		
Published in			
Dates			

IDAHO

Volume 17, Number 1

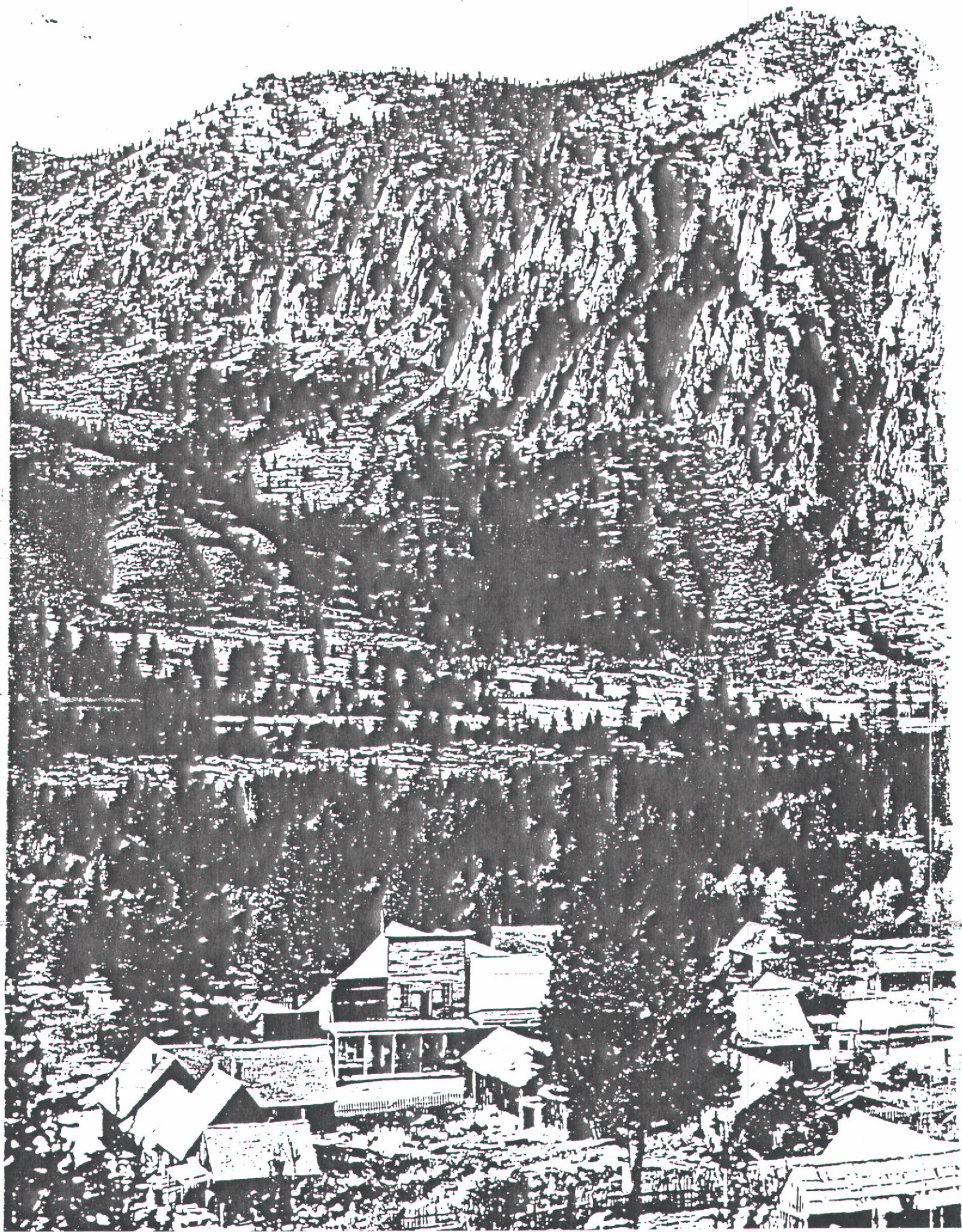
Spring, 1973

\$1.25

YESTERDAYS

THE QUARTERLY JOURNAL OF THE IDAHO HISTORICAL SOCIETY



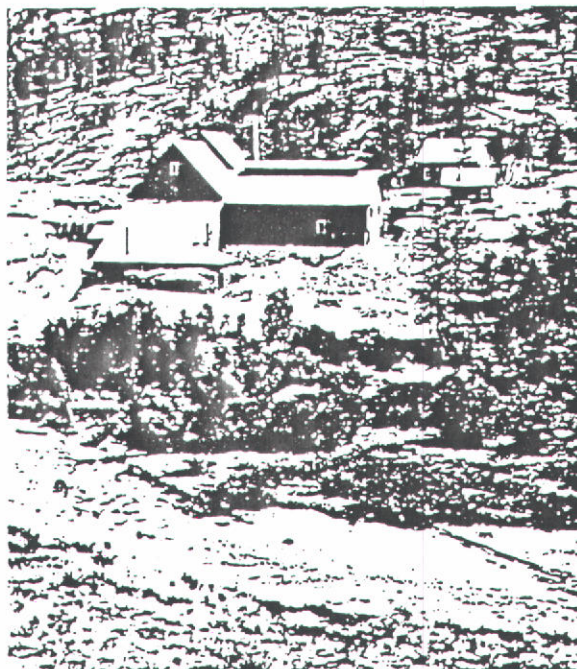




ore already extracted and ready for the mill. The mine is showing up splendidly, but they owe a great deal of money here and have not paid up for a long time. These cruel facts take all the romance and splendor out of the magnificent picture that these mines present to the view. But it is impossible that this state of things can very long continue. The great companies will no doubt work into right shape after a while; if they do not there are numerous other mines upon the same lode which have already furnished evidence of being rich. These mines cannot fail soon to attract the attention of real miners and rational capitalists and then a new era will commence. I can only speak of what I have seen. I visited the mine belonging to Julian Hill & Co. They own upon the western extension and have a long tunnel in. It is the opinion of all the experts and miners here, including Professor Clayton,¹¹ who is said to be the most accomplished and most practical expert who has ever visited this region, that this mine will prove equal in value to any other on the lode. With all this wealth in sight and in prospect it will not do for poor men to think that they can get rich by rushing in here. Every laboring man here earns by the hardest work every dollar that he obtains, and is not always sure of an opportunity to earn it.

great effort, he did not manage to find a suitable recovery process for Atlanta ore, but then neither did any other engineer of his generation.

¹²The Emma mine, in Little Cottonwood Canyon near Alta, Utah, was located in 1868. It was sold to British investors beginning in 1871, with the assistance of an evaluation by Yale chemistry professor Benjamin Silliman, Jr., who described it as being "in the category of the great mines of the world." A considerable variety of illegal or immoral schemes was used to sell shares. One of the directors of the company, Robert Schenck, was United States ambassador to the Court of St. James — a fact that was not appreciated on either side of the Atlantic. He eventually withdrew from the directorship, but the withdrawal was not made known until after all shares were sold. By the end of 1872, for all practical purposes the Emma had been gutted, and dividends ceased. The Emma is perhaps the classic promotional fraud of Western mining; a detailed account of the whole episode is found in Clark C. Spence, *British Investments and the American Mining Frontier, 1860-1901* (Ithaca, N.Y.: Cornell University Press, 1958), 139-190.



BUFFALO MILL

Atlanta, I.T.
Sept. 12, 1876

DEAR STATESMAN:

Professor Clayton, who ranks among the first geologists in the United States and who unraveled all the mysteries of the Emma Mine¹² to the satisfaction of the Congressional Committee when they were engaged upon that subject, is here for the purpose of examining the geological structure of this region and investigating the resources of the mineral belt inclosing the great Atlanta lode. He expresses the opinion that this lode is one among the few great receptacles of the precious metals yet found on the continent and that it is second to none. In the hands of the Professor the secrets of earth's structure are laid open to sunlight and made as plain and as simple as an example in addition. His theories, if they may be called such, are so completely established and supported by facts that they must be accepted as extremely probable, to say the least, by the learned and the unlearned. He believes that the Atlanta

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-05376
Date Received: 12-6-89
Receipt No: CD13312 & CD13311
Received By: D.K.
lat

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ATLANTA HISTORICAL SOCIETY, INC.
Address: GENERAL DELIVERY
ATLANTA, ID

83601-0000

RECEIVED
DEC 6 1989

2. Date of Priority: SEP 01, 1876

3. Source: CHATTANOOGA HOT SPRINGS Trib. to: BOISE RIVER, MIDDLE FORK

Department of Water Resources

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	11E	35		NW	SE		ELMORE

5. Description of diverting works:
STONE-LINED POOL, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.220		
RECREATION	01/01	12/31	0.220		
STOCKWATER	01/01	12/31	0.030		

7. Total Quantity Appropriated is:
0.440 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
R/SWIMMING/BATHING, D/UP TO 20 HOMES, S/WILDLIFE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	11E	35	NW	SE		STOCK	

A63-05376

Page 1

Date: 12/05/89

MICROFILMED
AUG 21 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	11E	35	NW SE		REC	
			NW SE		DOMEST	

11. Place of use in counties: ELMORE

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A63-05377

14. Remarks:

THIS USE IS LOCATED WITHIN THE VILLAGE OF ATLANTA, IDAHO. PROPERTY IS ADMINISTERED BY U.S. FOREST SERVICE. THE WATER FROM CHATANOOGA HOT SPRINGS IS APPROX. 50 DECGREES C (122 DEGREES F) AND HAS BEEN USED BY ATLANTA CITIZENS AND THEIR GUESTS FOR BATHING, THERAPEUTIC AND RELATED DOMESTIC AND RECREATIONAL PURPOSES CONTINUOUSLY SINCE AT LEAST 1876.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am president of Atlanta Historical Society, Inc. that I have signed the foregoing document in the space below as president of Atlanta Historical Society, Inc. and that the statements contained in the foregoing document are true and correct.

Kenny Moorman
Signature of Authorized Agent
president
Atlanta Historical Society, Inc.
Title and Organization

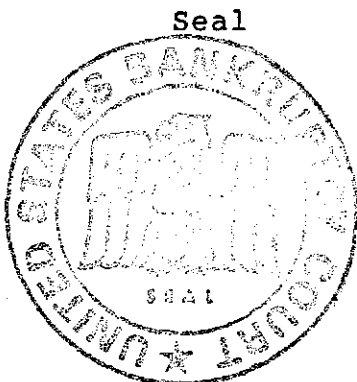
December 5, 1989
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 5th day
of December 19 89

JERRY L. CLAPP
CLERK US DISTRICT COURT
Notary Public
by: Chris Duns, deputy

Residing at Boise ID
My Commission Expires N/A



4/1/02

AJ Referral

"Maria's files"

A63-5376 } Records still
5377 } Thru Maria

Liz Merrill 383-3481

asked for Janene taking over
for Maria to call.

e Atlanta Area

-JL

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-05376

2004 FEB 27 AM 9:13

DISTRICT COURT SRBA
TWIN FALLS CO IDAHO
FILED

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDA FOREST SERVICE
550 W FORT STREET MSC 033
BOISE, ID 83724

SOURCE: CHATTANOOGA HOT SPRING TRIBUTARY: MIDDLE FORK BOISE RIVER

QUANTITY: 0.22 CPS

PRIORITY DATE: 09/01/1976

POINT OF DIVERSION: T06N R11E S35 NNMWSE Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Recreation	01-01 TO 12-31	0.22 CPS

PLACE OF USE: Recreation Within Elmore County
T06N R11E S35 NMSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

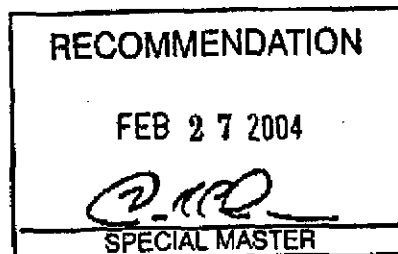
THE POINT OF DIVERSION AND PLACE OF USE FOR THIS WATER RIGHT ARE ON NATIONAL FOREST SYSTEM LAND. THIS WATER RIGHT IS FOR RECREATIONAL USE THE PUBLIC, INCLUDING THE CITIZENS OF THE TOWN OF ATLANTA, AT CHATTANOOGA HOT SPRING.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 63-05376

Name and Address: ~~ATLANTA HISTORICAL SOCIETY INC~~ UNITED STATES OF AMERICA
~~GENERAL DELIVERY~~ USDA FOREST SERVICE
~~ATLANTA, ID 83601~~ 550 W. FORT STREET MSC 033
BOISE, ID 83724

Source: CHATTANOOGA HOT SPRING Tributary: BOISE RIVER

Quantity: .22 CFS

Priority Date: 09-01-1876

Diversion Point: T06N R11E S35 NWNWSE Within Elmore County

Purpose and	Purpose of Use	Period of Use	Quantity
Period of Use:	Recreation	01-01 TO 12-31	.22 CFS

Place of Use:	Recreation	Within Elmore County
	T06N R11E S35	NWSE

Other Provisions Necessary for Definition / Administration of this Water Right:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO
CODE.

THE POINT OF DIVERSION AND PLACE OF USE FOR THIS WATER RIGHT ARE
ON NATIONAL FOREST SYSTEM LAND. THIS WATER RIGHT IS FOR
RECREATIONAL USE BY THE PUBLIC, INCLUDING THE CITIZENS OF THE TOWN
OF ATLANTA, AT CHATTANOOGA HOT SPRING.

Explanatory Material: Basis of Claim - Beneficial Use

RECREATION USE IS FOR BATHING AND SWIMMING.
WATER TEMPERATURE MEASURED AT 122 DEGREES F.

MCO
DN


In Re SRBA	)	Subcase No. 63-05376
	)	
Case No. 39576	)	Standard Form 5
	)	
	)	STIPULATED ELEMENTS
	)	OF A WATER RIGHT
	)	

Page 1

CERTIFICATE OF MAILING

I certify that on Feb. 12, 2004, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

Original to:

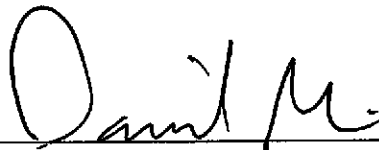
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Copy to:

GIVENS PURSLEY L.L.P.
Michael C. Orr
277 N 6th Street
P.O. Box 2720
Boise, ID 83701

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, MSC 033
Boise, ID 83724

A handwritten signature in black ink, appearing to read "David L. Negri", is written over a horizontal line.

David L. Negri

RECEIVED

JUN 26 2003

Department of Water Resources

Jeffrey C. Fereday, Idaho State Bar No. 2719
GIVENS PURSLEY LLP
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701-2720
Office: (208) 388-1200
Fax: (208) 388-1300
www.givenspursley.com
S:\CLIENTS\6853\1\Notice of Appearance.DOC

Attorneys for Atlanta Historical Society.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re: SRBA,

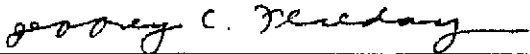
Case No. 39576

Subcase Nos. 63-05376 & 63-05377

NOTICE OF APPEARANCE

YOU WILL PLEASE take notice that Jeffrey C. Fereday of the firm Givens Pursley LLP, hereby enters his appearance as attorney of record for Claimant Atlanta Historical Society in the above entitled action.

Dated this 25th day of June, 2003.



Jeffrey C. Fereday

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of June 2003, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

United States of America
Represented by
David Negri
US Department of Justice
Environment & Natural Resource
550 West Fort Street, MSC 033
Boise, Idaho 83724

☒ U.S. Mail
☐ Facsimile
☐ Hand Delivery
☐ Overnight Delivery

Ms. Liz Merrill
Atlanta Historical Society
3801 Tamarack Street
P.O. Box 53
Boise, ID 83601

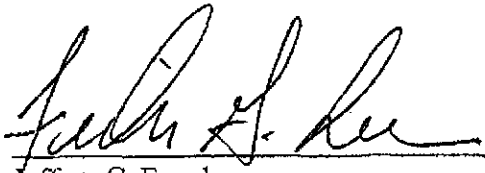
☒ U.S. Mail
☐ Facsimile
☐ Hand Delivery
☐ Overnight Delivery

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

☒ U.S. Mail
☐ Facsimile
☐ Hand Delivery
☐ Overnight Delivery

Clive J. Strong, Esq.
Chief Natural Resources Div.
Office of the Attorney General
State of Idaho
P.O. Box 4449
Boise, Idaho 83711-4449

☒ U.S. Mail
☐ Facsimile
☐ Hand Delivery
☐ Overnight Delivery


~~Jeffrey C. Foraday~~
Franklin G. Lee, 158 No. 6000

Craig

RECEIVED

JAN 31 2003

Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase: 63-05376
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America, Acting through the USDA Forest Service

Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724

Daytime Phone: (208) 331-5943

Name and Address of Attorney, if any:

David L. Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN THE DIRECTOR'S REPORT

Name: Atlanta Historical Society Inc.

Address: General Delivery
Atlanta, ID 83601

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)).

1. ☒ **Name and Address**

Should be: United States of America
USDA Forest Service
550 West Fort Street
MSC 033
Boise, ID 83724

2. ☒ **Source**

Should be: See E below.

3. ☒ **Quantity**

Should be: See E below.

4. ☒ **Priority Date**

Should be:

5. ☒ **Point(s) of Diversion**

Should be: See E below.

6. ☐ **Instream Flow Description**

Should be:

7. ☒ **Purpose(s) of Use**

Should be: See E below.

8. ☒ **Period of Year**

Should be: See E below.

9. ☒ **Places of Use**

Should be: See E below.

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The legal descriptions of Chattanooga Hot Spring and pools immediately adjacent to the source, POD and POU as shown in the Directors Report are all on National Forest System land. The claimant is not authorized to occupy and use National Forest System lands for this purpose. This water right should be decreed to the United States of America.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Michael Collette , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

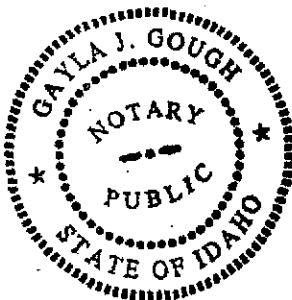
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Michael Collette
(Signature of person filing objections)

David Lee
(Attorney signing in representative capacity)

Subscribed and sworn before me on:

January 30, 2003
Gayla J. Gough



Notary Public for: Idaho
Residing at: Kuna, Idaho
Commission Expires: 11/17/2004

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 1/30/03, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

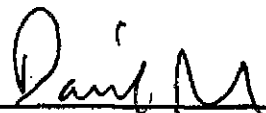
Name: Atlanta Historical Society Inc.
Address: General Delivery
Atlanta, ID 83601

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resource
Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

02/19/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-5376
NAME AND ADDRESS: ATLANTA HISTORICAL SOCIETY INC
GENERAL DELIVERY
ATLANTA ID 83601
SOURCE: CHATTANOOGA HOT SPRING TRIBUTARY: MIDDLE FORK BOISE RIVER
QUANTITY: 0.22 CFS
PRIORITY DATE: 09/01/1876
POINT OF DIVERSION:
T06N R11E S35 NWNWSE Within ELMORE County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	01/01 12/31	0.220 CFS

PLACE OF USE: RECREATION Within ELMORE County
T06N R11E S35 NWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

RECREATION USE IS FOR BATHING AND SWIMMING.
WATER TEMPERATURE MEASURED AT 122 DEGREES F.

Atlanta Historical Society
General Delivery
Atlanta, Idaho 83601
October 10, 2001

RECEIVED

OCT 12 2001

WATER RESOURCES
WESTERN REGION

Ms Maria Minicucci
Adjudication Section, Western Regional Office
Department of Water Resources
2735 Airport Way,
Boise, Idaho 83705-5082

Dear Ms Minicucci,

Thank you so much for your interest and assistance over the phone.

Please find enclosed copies of the Atlanta Historical Society's filings for water right's claims on 63-5376 Chattanooga Hot Springs and 63-5377 Atlanta Hot Springs. Attached to each claim are copies of period newspaper clippings, which provide evidence of beneficial use of the hot springs by the residents of Atlanta. The relevant passages found in the articles are marked and highlighted for your convenience.

Regarding claim 63-5376, Mr. W. A. Goulder writes to the Idaho Statesman on Sept. 14, 1876 of visiting Chattanooga, where "... water, exactly the right temperature for bathing, gushes out from near top of the high perpendicular bank, and is caught in a cistern below where graceless bipeds go to revel in the luxuries of the bath in full view of all the Salmon in the stream."

Regarding claim 63-5377 an article published in the Idaho Statesman August 9, 1873 describes a visit to Atlanta by the author who on July 22 of that year, "...visited the Warm Springs and had a nice bath." (A second more legible copy of the article is also included.)

As we discussed on the phone, there is also an order dated April 28, 1986, "In the Matter of the Application for Permit no 63-10275 in the name of C. Lee Barron and/or Lynn Stevenson." That order adopts the "Proposed Memorandum Decision and Order" in the matter, which in paragraph 13 describes the springs in question. I am also including these documents for your convenience.

I hope this information is sufficient. If you have questions or need additional information, please feel free to contact Kerry Moosman at the above address. I am also happy to assist and may be reached at 208-383-3481.

Thank you again.

Sincerely,

Liz Merrill

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). A63-5376

1. No Change NAME IS SAME
NEW OWNER: _____
No Change ADDRESS
NEW ADDRESS: _____

2. No Change - DATE OF PRIORITY: Completed evidence submitted
Incomplete - Claimant should be asked during the exam when was water first
used and submit proof of date of priority.

Priority date, per claimant, is: 09/01/1876
(If the priority date, based on your exam, seems questionable, explain below.)

Supported by evidence

3. No Change — SAME SOURCE ✓
Source is different than that claimed:

Source found: _____

4. No Change — POINT OF DIVERSION
Point of diversion is different than the claim and/or new P/D's:

Township 6N Range 11E Section 35 1/4 NW 1/4 NW 1/4 SE
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____

5. No Change - DESCRIPTION OF DIVERTING WORKS
Incomplete description, list below:

Rock pool at bottom of cliff captures water
in a small pool. Pond outlet to MF Boise River.

6. No Change - WATER USES
Different uses, (list uses found):

Use recreation From 01/01 To 12/31 Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

7. No Change - TOTAL VOLUME

Incomplete on claim, the total is, Amount _____ CFS _____ AFA

Changes found, the new total is, Amount _____ CFS _____ AFA

8. No Change - NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. No Change — PLACE OF USE: (If changed, list below.)

Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____

Remarks: (Comments pertinent to field examination) See additional attachment

Flow measured 09/01/1981 @ .22 CFS. Also 57°C measured
at the same time. See attached proposed Decision & Order,
page 5.

SYSTEM DIAGRAM INCLUDED

Shown on GIS Layout

NA

CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 09/26/2001

FIELD EXAMINER:

MARIA TINICUCCI

Print Name

[Signature]
Signature

SRBA Claim Number A63-5376

Date of Photos 09/26/2001

Photographer T. D. VUCCI

Legal Description T6N R11E S35 NW NWSE

① Point of Diversion/
Place of Use

Photo taken from
top of bank.



② Point of Diversion/
Place of Use.

Pool at the bottom
of the bank.

Rocks + logs form
pool. Discharges
to river.

Accompanied by
Mrs. Karen Sayko



5366

35

NUMISE → 900 + 100

Chattanooga REACH

Hot Spring

Middle

SPRING 1

ATLHSP

Atlanta

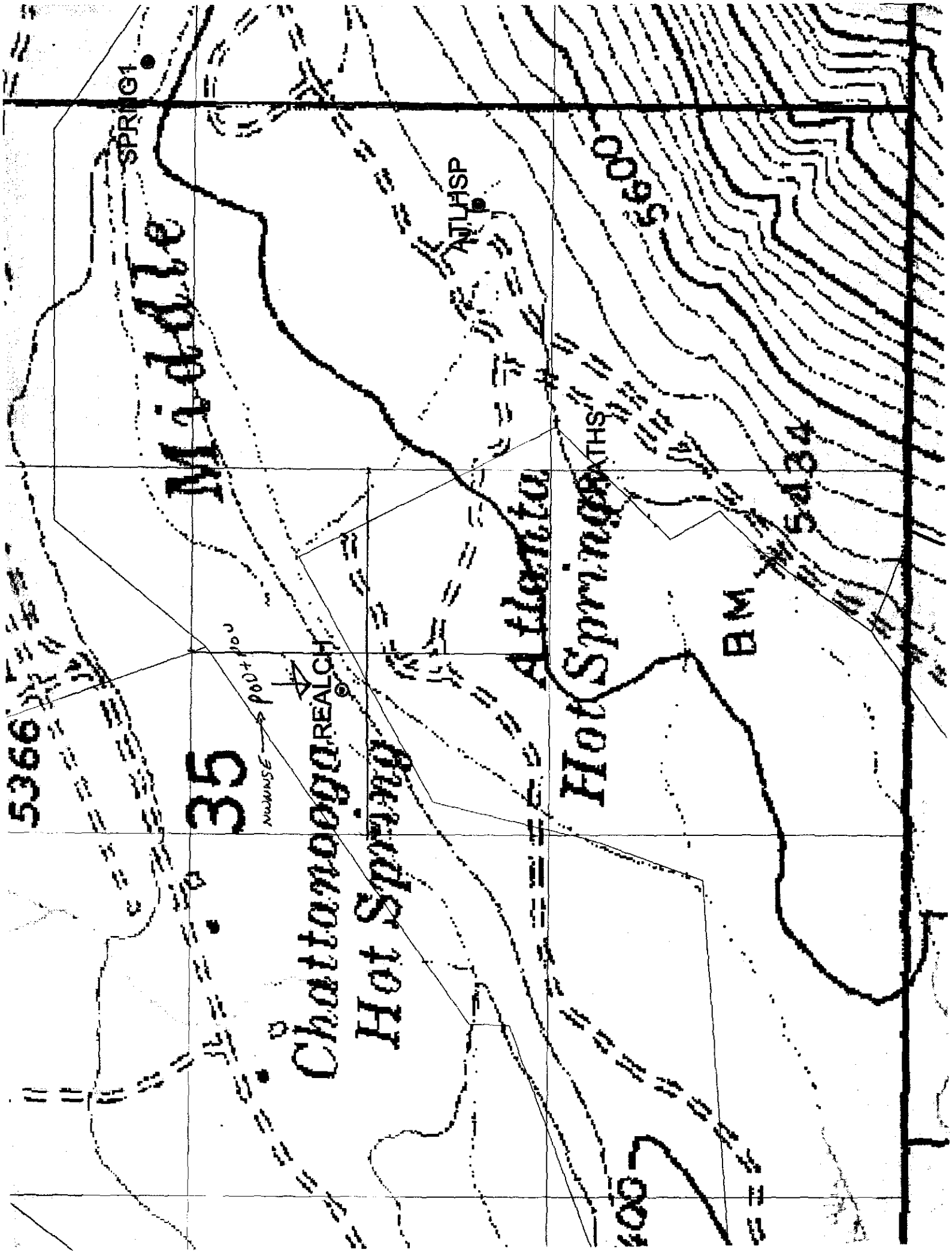
Hot Springs

BM

5434

5600

400





IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-5376

WATER RIGHT NUMBER: 63-5376

Owner Type Name and Address
 Current Owner CITY OF ATLANTA

ATLANTA, ID 83601

Priority Date: 09/01/1876

Basis: ~~Statutory Claim~~

Status: Active

Source

CHATTANOOGA HOT SPRING

Tributary

MIDDLE FORK BOISE RIVER

Beneficial Use From To Diversion Rate Annual Volume

RECREATION 1/01 to 12/31 0.220 CFS

~~DOMESTIC~~ ~~1/01 to 12/31~~ ~~0.220 CFS~~

Total Diversion: 0.220 CFS

Location of Point(s) of Diversion

CHATTANOOGA HOT SPRING

ELMORE County

NW1/4SE1/4

~~NWNWSE~~

Sec. 35, Twp 06N, Rge 11E, B.M.

Place of Use

DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	Totals
06N	11E	35					

RECREATION same as DOMESTICConditions of Approval:Remarks:Comments:Dates and Other Information:

Field exam 09/26/2001. Accompanied by Karen Sayko
 Springs discharge @ rock wall above MF.
 Pool @ bottom of wall. No domestic found.

STAT. claim

(date of letter of W.A. Goulden
 that describes the hot
 springs)
 9/10/1876
 Sur. previous, no evid.

per field exam

OK, per USGS as
 quoted by IOWA in Proposed
 Rem of Dec
 for
 65-10275

(Typo, S/B
 63-10275)
 see order
 adopting
 Rem. decision

R

FE7

9/26/01 Chatanooga HS
w/ Mrs. Sayko

Roll 2 Photo 7

From top of bank. Springs to pool

Pass thru private
ground. Springs on
public land.
From town 1st RT 84 Atlanta HS
Road is @ bank



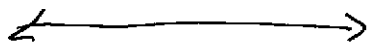
Multiple springs from
rock wall

"REALCH" PHOTO 8 Pool + GPS near location

041254 0301945

* Prev. way point listed as "CHATHS" is actually
old bath house, torn down by USFS. (Per Mrs. Sayko)

Pond outlet through rocks, 30' to MF
+ buried pipe



Sayko's property in Lucille

Town RIE SWNW 9

Parcel 7-A

off homestead Road

10/10/2001

9:00

P. P. WICKER

Re/Call: Lee Pernell for Atlanta Hist Society
63-10275 C Lee Barron Lynn E Stevenson
4/28/1986 w/ Ken Dunn

Decision by Iowa that Hot Springs could not
be diverted by Barron/Stevenson.

I will get copy of decision @ vault.

She will send copies of Newspaper articles that
date the use of the hot springs in the 1870s.

Also Reviewed objection procedures (as much as I know)
and gave her # of USFS claim (463-05121) which
may be overlapping.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. AG 3-05376, -05377

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent M. Minicucci Date 9/18/2001

Contact Person(s) Kerry Moosman

Mrs. Auch @ work

Nature of Contact Field Exam appt

388-2350

Substance of Communication Check in at the whistler stop

Water is dammed up w/rocks for pools

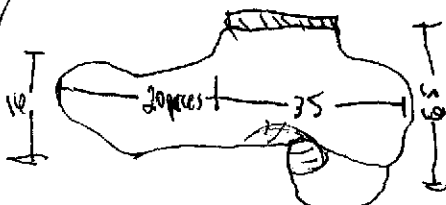
Water is still in channel

2 claims are close to each other

Boise Attorney: Liz Merrill / Yul Kim Tel: 383-3481

Has evidence of Priority info

9/26/01 Cont Chai HS Pool show evidence of being larger than current size. Multiple seeps. Deep Dept w left, maybe 2 or 3 feet, highest
Photo 6: Pool from road. Dam on left



NOT TO SCALE

NOT CHS

NOT CHS

- (a) it will reduce the quantity of water under existing water rights;
- (b) the water supply is insufficient for the proposed use;
- (c) the application was made for speculative purposes;
- (d) the applicants do not have sufficient financial resources with which to complete the proposed work; and,
- (e) it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use.

5. The applicants questioned the validity of claims to water rights from the springs filed by the U.S. Forest Service and the Village of Atlanta on behalf of the public for uses within the spring areas and the outflow channels.

6. A hearing on the protested application was conducted in Boise, Idaho on November 4 and 5, 1985. The applicants were present and represented by attorney John C. Arkoosh. For the protestants, Carl L. Meyers was present on behalf of Alva Greene; Vern P. Caldwell was present on behalf of the Marian Gloveta Estate; the Atlanta Water Association, Inc., Kerry Moosman, Jane Stone and all other signators of the protest petition were represented by attorney Jeffery C. Fereday, who after the hearing also became the attorney of record for the Estate of Louis Inama.

7. The protestants represented by Jeffery C. Fereday submitted post-hearing briefs on December 12 and 26, 1985; and the applicants submitted post-hearing briefs on December 16 and 31, 1985.

Description of Spring System

- * 8. There are five primary discernable spring areas in or near the SE1/4,

Sec. 35, T. 6N., R. 11E., B.M., Elmore County, located on property owned by the U.S. Forest Service. These spring areas are identified on the Atlanta East U.S. Geological Survey (U.S.G.S.) 7 1/2 minute quadrangle map as "Chatanooga Hot Spring" and "Atlanta Hot Springs". In addition, nearby spring areas may be located on property owned by Greene Tree, Inc. The springs on said property owned by the U.S. Forest Service are identified and referenced herein as follows:

Spring Area No. 1

This spring area appears to be located within the NE1/4 SE1/4, Sec. 35, T. 6N., R. 11E., B.M. It consists of waters issuing from at least three vents, which flow into an upper bathing pool and successively into a lower bathing pool and a larger pool called the "swimming pool" or the "frog pond".

Spring Area No. 2

This spring area appears to be located within the SW1/4 SE1/4, Sec. 35, T. 6N., R. 11E., B.M. It consists of waters issuing from one or more vents, which flow into a bathing pool.

Spring Area No. 3

This spring area appears to be located within the SE1/4 SE1/4, Sec. 35, T. 6N., R. 11E., B.M. It consists of waters issuing from one or more vents, which flow into a bathing pool.

Spring Area No. 4

This spring area appears to be located in the SE1/4 NE1/4, Sec. 35, T. 6N., R. 11E., B.M. It consists of waters issuing from one or more vents, which flow into two (2) bathing pools.

Spring Area No. 5

This spring area, identified as Chatanooga Hot Spring on the U.S.G.S. 7 1/2 minute quadrangle, appears to be located in the NW1/4 SE1/4, Sec. 35, T. 6N., R. 11E., B.M. It consists of waters issuing from a series of vents on a hillside, which flows into a bathing pool.

9. Definitive information regarding the rates of flow and water temperature of the five springs is not available in published records. U.S.G.S. data sheets provide the following data, based on estimates of rate of flow and measurements of temperature:

	<u>Spring Area No.</u>	<u>Rate of Flow (cfs)</u>	<u>Temp. (C.)</u>	<u>Date of Data Collection</u>
63-3468	1 ATLANTA	0.13	60	9/1/1981
63-5377	3	0.15	53.5	9/1/1981
63-5376	5 Charanooqa	0.22	57.0	9/1/1981

10. The rates of flow in spring areas nos. 2 and 4 are unmeasured, but have been estimated to be 0.09 cubic feet per second each.

11. Spring areas nos. 2 and 4 appear to be located outside the locations for points of diversion specified on the applicant's Application for Permit No. 63-10275. The applicants have indicated that they do not intend to amend the application to specify additional tracts of land to contain additional points of diversion.

12. Outflow from each of the five spring areas is diverted by at least one dam, and in some spring areas by additional pipes and facilities. Water at each spring area is used by the public for recreational and domestic purposes on a periodic basis throughout the year.

Existing Water Rights and Public Uses

13. Existing recorded water rights and claims to water rights from the five spring areas are as follows:

<u>Water Right or Claim No./ Name/Remark</u>	<u>Type of Filing</u>	<u>Spring Areas</u>	<u>Rate of flow (cfs)</u>	<u>Use</u>	<u>Date of Priority</u>
63-5121 U.S. Forest Service	Statutory Claim	1,3,5	1.0	Domestic	7/1/1930

Remark: Spring areas nos. 2 and 4 do not appear to be located within the points of diversion described on this claim.

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT)
NO. 63-10275 IN THE NAME OF C. LEE)
BARRON AND/OR LYNN E. STEVENSON)

ORDER ADOPTING
PROPOSED MEMORANDUM
DECISION AND ORDER

WHEREAS, A. Kenneth Dunn, Director of the Department of Water Resources having issued and served a copy on the parties on April 8, 1986, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Idaho Code, 67-5211; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exceptions to that Proposed Memorandum Decision and Order have been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order.

Dated this 28th day of April, 1986.


A. KENNETH DUNN
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO.

63-10275 IN THE NAMES OF C. LEE BARRON &/OR

LYNN E. STEVENSON

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 28th day of April, 1986, a true and correct copy of the foregoing ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER was mailed, postage prepaid to:

C. Lee Barron &/or Lynn E. Stevenson
P. O. Box 357
Fairfield, ID 83327

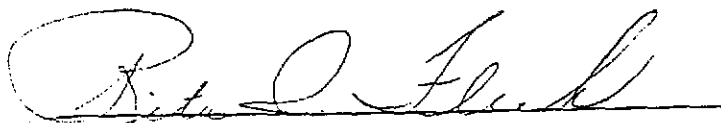
Jeffrey C. Fereday
Givens, McDevitt, Pursley, Webb & Buser
P. O. Box 2720
Boise, ID 83701

John C. Arkoosh, Esq.
P. O. Box 32
Gooding, ID 83330

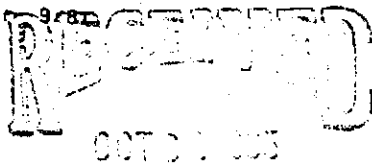
Carl L. Myers
Agent for Alva Greene
750 Warm Springs Avenue
Boise, ID 83702

M. Ann Caldwell, Personal Rep.
of Marion Glavota Estate
2015 N. Phillippi
Boise, ID 83706

Estate of Louise Inama
Box 115
Atlanta, ID 83601



RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



Department of Water Resources
Western Regional Office

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Village of Atlanta, Idaho (a/k/a Townsite of Atlanta, Idaho)
by and through the Atlanta Historical Society (Name of Claimant)
PO Box 53 Atlanta, Idaho 83601 Telephone No. _____
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) September 1876 (Appendix A)
A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Chattanooga Hot Springs (and Snake River) tributary to Middle Fork of Boise River.
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: bathing, therapeutic and related domestic and recreational uses.

	(cfs, all)	(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Mo., Day)
Quantity	<u>0.22 cfs</u>	Use <u>(all of above)</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use <u>DOMESTIC</u>	Period of Use From	To
Quantity	<u>.22 cfs</u>	Use <u>RECREATION</u>	Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 0.22 cfs TOTAL QUANTITY USED. (See Appendix B).

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 SE 1/4, Sec. 35 Twp. 6N Rge. 11E B.M., County of Elmore
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Water is diverted from its discharge points (a series of vents on a cliff) and channeled into a stone-lined bathing pool constructed and maintained by the citizens of Atlanta and situated next to the Middle Fork of the Boise River.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	11E	35													X				

No. of acres n/a

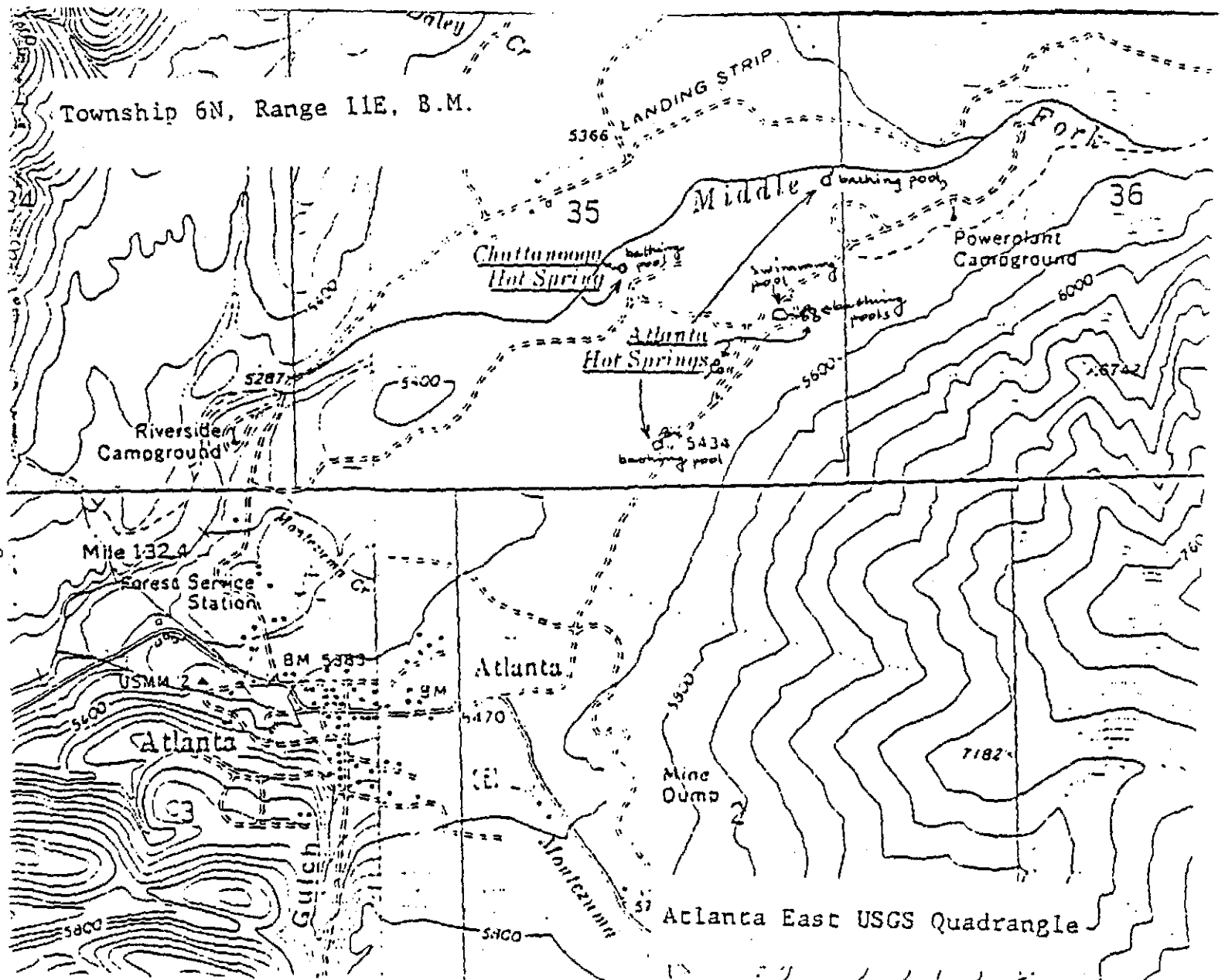
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: The water from Chattanooga Hot Springs is approximately 50° C. (122° F.) and has been used by Atlanta citizens and their guests for bathing, therapeutic and related domestic and recreational purposes continuously since at least September 1876.

NOTE: Include here the type and number of stock watered: n/a

- (7) If you are claiming water as a member of an organization, list name of organization: The Village of Atlanta, Idaho, by and through the Atlanta Historical Society, an Idaho non-profit organization.

**PLAINTIFF'S
EXHIBIT
13(6)**

(8) Remarks _____



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivision section, township and range of the public land survey system.

State of Idaho)
) ss.
County of _____)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

The Village of Atlanta, Idaho, by and through
the Atlanta Historical Society, by its President:

Benny Moorman
(Claimant)

Sworn to before me this 4 day of April, 1985.

[Signature]
Notary Public
Residing at [Address]

My commission expires 1/1/86

FOR DEPARTMENT USE ONLY			
Received by <u>[Signature]</u>	Date <u>10/5/85</u>	Exception filed by:	Forwarded to
Prelim. check by <u>[Signature]</u>	Date <u>10/5/85</u>	# <u>34175</u>	claimant by:
50.00 fee received by <u>[Signature]</u>	Date <u>10/5/85</u>		
Published in _____			
Dates _____			

IDAHO

Volume 17, Number 1
Spring, 1973
\$1.25

YESTERDAYS

THE QUARTERLY JOURNAL OF THE IDAHO HISTORICAL SOCIETY



ROCKY BAR AND ATLANTA IN 1876

by W.A. GOULDER

After moving west over the Oregon Trail in 1845, Goulder joined the Clearwater gold rush to Pierce and served in the Idaho legislature. A writer and poet, he described many Idaho communities for The Idaho Statesman in a series of letters including these from Atlanta (shown on pages 18-19) and Rocky Bar.



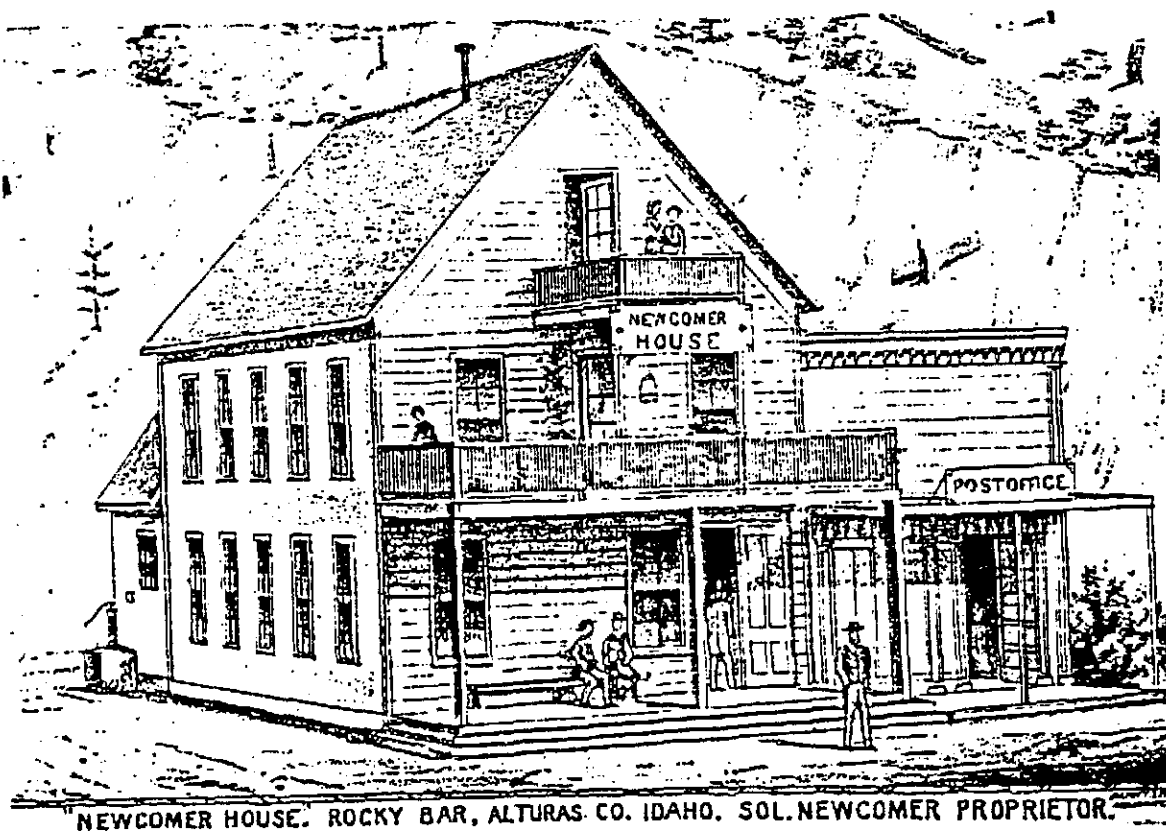
Rocky Bar, I.T.
Sept. 3d, 1876

DEAR STATESMAN: — A Day and [a] half passed at the Luna House in Idaho City in quiet rest and in enjoyment of the many comforts, and the pleasant society always found there, so far restored my health and courage that I felt prepared to undertake the rough and fatiguing ride across the high and rugged mountains which intervened between the Basin and the mining region of Alturas county.

Fortune favored me in the matter of traveling companions, as George Ainslie, Esq.,¹ the District Attorney, was obliged to come over to attend the sitting of the District Court which convenes here to-morrow. Mr. M. G. Luney² was also one of the party of three. On the afternoon of August 31st, after a touching parting scene and affectionate leave taking between these two old married men and their amiable spouses, which brought tears of envy and regret to the eyes of the youthful

wandering scribe whom the fates have so far doomed to leave every place unblessed and unvisited, we bid farewell to Idaho City and commenced the long and perilous journey of fifty miles across the mountains by what is known as the old Goodrich trail.³ This route is very seldom passed over at present, and should be entirely abandoned, as the road from Atlanta down the Middle Boise to Boise City, or, across the mountains to the Banner road is far preferable. Between Idaho City and Rocky Bar, by the Goodrich trail, four mountains are traversed which rise, at least, five thousand feet above the beds of the intervening tributaries of the Boise river. The first is the rim of the Basin, which is gained by a gradual ascent from the waters of Moore's creek, but which descends abruptly into the deep canyon of North Boise. Another high mountain with steep sides is interposed between the latter stream and the Middle fork of the Boise river.

It was after night-fall when we arrived at the old Goodrich ranch on the Middle fork.⁴



"NEWCOMER HOUSE." ROCKY BAR, ALTURAS CO. IDAHO. SOL. NEWCOMER PROPRIETOR.

The place is at present occupied by a Mr. Turner, when at home, but on this occasion he was absent and the doors all locked and nailed up. Two of our party were aged and indisposed and the evening gave promise of a night too cold to be passed in the open air without blankets; but the house was fastened up, and what could three scrupulously honest men do, unprovided with burglar's tools? Resigning myself to the hopeless danger of the situation, I went to the river for water and returning found that a small opening had been made in the side of the house and saw a light blazing on the hearth. Near it, calmly smoking his pipe, sat the venerable patriarch of the Basin, Matt. Luney, who kindly invited me to "walk in." The crime of house-breaking being already committed, I thought I might innocently share in the benefits so much needed, so I thrust my head through the aperture, but could get no further than the shoulders. I pronounced the opening too small, but friend Luney instructed me to put my arms through first. I did so, and by

persistent wiggling managed to get in. The Prosecuting Attorney, Mr. Ainslie, who, before leaving Idaho City, had provided himself with a strong new rope, in view of the probable termination of criminal cases to be tried at Rocky Bar, was present and offered no words of remonstrance, but followed me into the house and fully shared in the fruits of Mr. Luney's enterprise.

After we had thoroughly warmed and made ourselves comfortable and partaken of an excellent supper, by supplementing our cold lunch with the tea, sugar, and whatever we found handy, I ventured to give expression to some scruples which arose in my mind, touching the propriety of Mr. Luney's course, when that venerable gentleman arose and impressively remarked, that bolts and bars were not intended to keep honest men and gentlemen from obtaining what they needed, but to deter thieves from committing wicked depredations; that the honest man and true gentleman is a law unto himself, and can, when the occasion requires it, fearlessly and

innocently do what the thief and burglar would never dare attempt. This novel line of defence entirely dissipated my scruples; and, earnestly hoping that it might prove equally satisfactory to the owner of the house, we all retired to bed with every pressing want supplied and with consciences void of offense. In the night Mr. Luney was taken with cramps in the legs, and would have suffered severely, but for Dr. Perry Davis, who was represented by a bottle of his celebrated pain killer. This remedy vigorously rubbed on the legs and doses taken into the stomach arrested the cramps and brought relief. Had it not been for the very able and satisfactory defence made by the gentleman before retiring, the shade of superstition which tinges all minds more or less would have prompted me to regard this attack as an act of punishment from above.

Next morning we crossed Middle Boise and climbed the high mountain which lies between it and Roaring river, one of its tributaries. From the summit of this mountain the view is very grand and imposing. Mountains of every conceivable shape and size seem heaped and tumbled confusedly together and piled one above and beyond the other away into the dim distance all around. Looking down almost perpendicularly, we could see the bright little river winding among the grooves of cottonwood and quaking aspens, the narrow, verdant valley reposing in tranquil beauty between the huge mountains like a sweet babe dressed in green robes, sleeping the arms of a rude and terrible giant. The sides and summits of the mountains around are, for the most part, barren, rugged and rocky, but so largely relieved by groves and belts of evergreens that the scene is at once awfully grand and exquisitely beautiful. Here are the results of the great upheavals which have given Idaho her treasure house in the silver seamed mountains of Alturas. They have called forth the admiration of all who have seen them, and can only be appreciated by those who are fortunate enough to stand upon their summits and gaze upon their glories. They cannot be described. The pen may pile up the Alps, upon the Andes; may gem the bosom of the

imaginary range with silver sea-like lakes; fill its indentations with glittering glaciers; clothe its slopes with broad, dark forests and its summits with eternal snow, and send upward through a thousand cone-like peaks the liquid fire which fills and overflows its heart, and deck its feet with queenly cities, girdled by great rivers flowing to the boundless sea, and it would only be a vain array of words. A quiet look at the tamest mountain scene in Idaho is worth more than all the pen pictures that can be made.

Crossing the stream called Roaring river we ascended the last and the steepest hill on the route.⁵ From the top of this one we can see the basin-like formation which holds the mines of Alturas. A greyish granite, nearly white, gives the mountain side the appearance of being touched by a light fall of snow, huge blocks and boulders of granite lie strewn around or piled up in grotesque and romantic forms.

Following the winding trail along the shaded ravines and across the rocky ridges, we at length entered the narrow canyon in which the town of Rocky Bar is situated. The town owes its name to masses of granite boulders which cover a considerable [part] of the narrow space between the steep high hills which rise on either hand. Approaching the town the first sign of settlement is an old dismantled arrastra. The next is one of these primitive crushers in operation, grinding the quartz between granite blocks. We next pass the mills and hoisting work of some mines which are now idle. Of these I will write when I have time to learn more about them. We arrived at the fine new hotel kept by Mr. Sol. Newcomer⁶ about four o'clock in the afternoon of September 1st and found the town pretty well filled with citizens from all parts of the county. The Democratic County Convention was in session; that and the approaching term of court were the causes of the gathering

I have not yet been able to learn enough about the mines to write intelligently. I was quite unwell on arriving here and have had no opportunity to inspect them. That they are very rich there can be no doubt. The

shipments of ore prove this. The[re] seems to be two currents of feeling and opinion here with regard to mining operations. On the one hand it is said that the ore is taken out of the mine and shipped abroad and that nothing is brought back — not even enough to pay the laborers, many of whom have several months' wages due; — that the mines are being worked by lessees residing out of the Territory, who may repudiate at the end of their lease and leave the working man without redress. On the other it is said that claims against the lessees are perfectly good and that all indebtedness will be paid as soon as the present temporary obstacles can be removed. I do not understand the situation yet and have no desire to write anything that would prejudice the interest of any person or class, but if it is true that these rich lodes are owned and controlled by capitalists who do not belong to Idaho, and who have no other interest here than to draw the proceeds of these mines, and if it is true that the mines are leased to parties who cannot be made immediately and legally responsible to the men who work for them, the mines being

worked and the ore shipped out and no money disbursed here, then it is difficult to see in what way the mines can prove a source of prosperity to the people of Alturas county. A mountain of pure gold would be valueless to them if they are to derive no other benefit than the pleasure of handling it.

Some of the people here seem to expect of the next Legislature that the laws will be so changed that it will be impossible for corporations to swindle working men out of their wages. If anything can be effected in this direction it must be done by electing honest working men to the Legislature. If corporations are allowed to place their own paid agents to the law-making body, it is certain that no law will be made that will protect the rights and interests of the working men.

Rocky Bar, I.T.
Sept. 5th, 1876

DEAR STATESMAN: — The District Court is in full blast and Newcomer's new hotel is filled to overflowing. The worthy host and hostess are doing their very best for the comfort of their numerous guests, but the building is in an unfinished state, the crowd is immense and the market poorly supplied with many coveted articles of food . . .

Yesterday the town was visited by a very severe hail storm accompanied with thunder and lightning. The ground was thickly covered with the white frozen pellets and water ran in torrents through the streets. The weather is still stormy and threatening heavy rains.

In the warehouse of A. & J. Pfeiffer the sacks of rich ore from the Atlanta mines lie piled up, enough to load several wagons, awaiting shipment to the railroad; while long trains of heavily laden mules are daily coming in from the mines bringing more of the same freight. Why must all this crude wealth go so far for reduction? Mr.[G. W.] Crafts' mill, at Banner, in Boise county, is working ores equally difficult and rebellious to within ninety per cent. of the closest assays that he could make. If works were erected at Boise

¹George Ainslie, 37 at the time, had come to Idaho in 1862 and had been editor of the *Idaho World* (Idaho City) from 1869 to 1873. His term as district attorney for the Second District lasted from 1875 to 1879, and from 1879 to 1883 he served as territorial delegate to the United States House of Representatives.

²Matthew G. Luney, in his late 50's at the time of the trip, was an englishman who had come to Idaho in 1864. He served in the House of Representatives of the Territorial Legislature in the third, eighth, ninth, and thirteenth sessions and was a Boise County Commissioner from 1873 to 1875; but he was best known as proprietor of the Luna House Hotel in Idaho City.

³See below, pp. 26-27.

⁴The Goodrich Ranch was at Alexander Flat on the Middle Fork.

⁵With an elevation at the trail crossing of about 7200 feet, this ridge rises about 2000 feet above Roaring River and above Rocky Bar. Connecting Steel Mountain (9730 feet) with Trinity Mountain (9473 feet), it reaches a maximum elevation of 8194 feet a mile or two from the Goodrich Trail.

⁶Newcomer had come to the Snake River below the mouth of the Payette in 1862 and there had become involved in the first of a series of enterprises around southwestern Idaho. He settled at Rocky Bar in 1869, when he bought a livery stable there, and in 1874 he married the owner of the hotel to which Goulder refers.

City and the ores taken there and reduced it would save the difference in transportation to the companies and prove a vast benefit to the Territory. With reduction works at Boise City the cost and difficulty of transporting machinery into the mountains would also be saved as well as the difference in the price of labor.

The Buffalo Company's mill⁷ has arrived from Kelton and is now near its destination. With regard to the mines, their location extent and operation, our accomplished and well informed local correspondent here, "Sidrad,"⁸ is so thoroughly versed in everything pertaining to them that I would gladly leave in his hands the task he has so far performed to the satisfaction of everybody. For me it is a tangled skein which I have not yet found opportunity or ability to unravel. That there is here in these mountains a vast store house of wealth which has yet been only partially revealed has been established beyond all possibility of doubt. Vast bodies of ore of nearly pure silver are already in sight. The mines are showing up better and better with every new advance made into the vein.

The only subjects of regret [are] the obvious one of sending the ore out of the country for reduction, and the alleged failure of the companies to distribute any of the proceeds here, but this, like the Devil, may not be as bad as it is painted. It is confidently and positively asserted here, by those who ought to know, that these evils, so far as they may be real, will soon be remedied, and that for the greater part they are purely imaginary.

There are always two sides to a question and it is not best to decide until both have had a hearing, but I cannot help contrasting in my mind the different effects of the two systems, the one here and the other in Boise county, where mines of far less value are owned and successfully worked by resident citizens with their own means and who disburse monthly, thousands of dollars which enters into the general circulation and makes times comparatively flush and easy.

Two heavily loaded teams, consisting of ten animals and two wagons each, arrived this morning from Kelton. One team discharged

cargo at Winkleback's liquor establishment. The cargo consists of some thirty barrels in all and were said by the spectators to contain a kind of fluid promotive of Democratic majorities. The arrival of this supply of ammunition settled the hash for the Republicans here, as an experienced Democrat from Boise county, after gauging the barrels and estimating the number of gallons, fixed the Democratic majority at such a figure that it makes the contest hopeless. The other team was loaded with assorted merchandise for Messrs. A. & J. Pfeiffer. The presence of these teams, with a pack train arriving at the same time, the pleasant intermingling and friendly greetings between teamsters, packers, lawyers and mules and the long ranges of whisky barrels which were being lovingly gazed upon by the affectionate citizens, formed an edifying and instructive scene, and caused the little street to present quite an attractive appearance.

It takes a raw hand some time to get the hang of a strange barn, but I hope before leaving to be able to write a more interesting letter. The people here are very genial and hospitable; making visitors feel quite at home.

All seem hopeful of a better time rapidly approaching.

Atlanta, I.T.,
Sept. 9, 1876

DEAR STATESMAN:

From Rocky Bar to Atlanta the road passes over mountain summits eight thousand feet above the sea level, bringing into view at every point the grandest and most charming scenery that my eyes ever beheld.

Travelers here, who have seen all the mountain regions of Europe and America agree that, in point of sublimity and beauty, the mountains of Alturas challenge comparison with any other portion of the earth's corrugated surface. Seven miles from Rocky Bar the highest point is reached, after passing up wooded ravines and through the pine and fir groves along the steep hill sides when the forest gives out and the whole world

of mountains, grand, rugged and beautiful bursts upon the sight.

The two towns are connected by a wagon road, but the grades are of the steepest and barely practicable for loaded teams. Soon after passing the summit we left the wagon road and took the pack trail which leads down to the Middle Boise by a shorter, but not steeper route, following the course of a small stream called James' creek to the point where it joins the river, about two miles below the town of Atlanta. Along this route the scenery passes the power of pen or pencil to describe or to delineate. The hill sides are bristling with granite crags and peaks of every form, dimension and height, and in every possible attitude from perpendicular to horizontal. The prevailing color of the rocks is a greyish white, but most agreeably relieved by patches and streaks of brown and red and yellow. The multiform granite rises heavenward in steeples, minarets, towers and domes, while the dark evergreen forest growth of pine and spruce and fir surrounds the bases of the crags and sends skirmishers up their sides and on to their tops, where they fasten their fang-like roots in the narrow crevices and wave their gnarled and twisted branches in the breeze like weird sentinels, dwarfed and deformed, but brave and determined. In the bottom of the ravine, the little mountain stream, clear as crystal and nearly hidden by its green borders of alder and aspen, is laughing and leaping from rock to rock, forming a glittering series of tiny cascades and cataracts, until worn out and vexed for want of rest it throws itself into the arms of its elder sister to be borne oceanward with all the family of torrents, rivulets, brooks and rivers.

⁷Investors from Buffalo, New York, acquired an extension of the original Atlanta discovery lode in 1874 and sent out 27 tons of ore to Newark, New Jersey, at a cost of \$900. With a yield of \$19,000 on this trial lot, the company brought a stamp mill (equipped with a Washoe process recovery system) to Atlanta in 1876. This recovery process, developed for the Comstock lode in Nevada, worked poorly at Atlanta; only 55 percent of the silver was saved in the trial run which began May 3, 1877. This was still twenty per cent better than previous attempts.

⁸The Statesman's correspondent, who used the pseudonym "Sidrad," was C.J. Dardis.

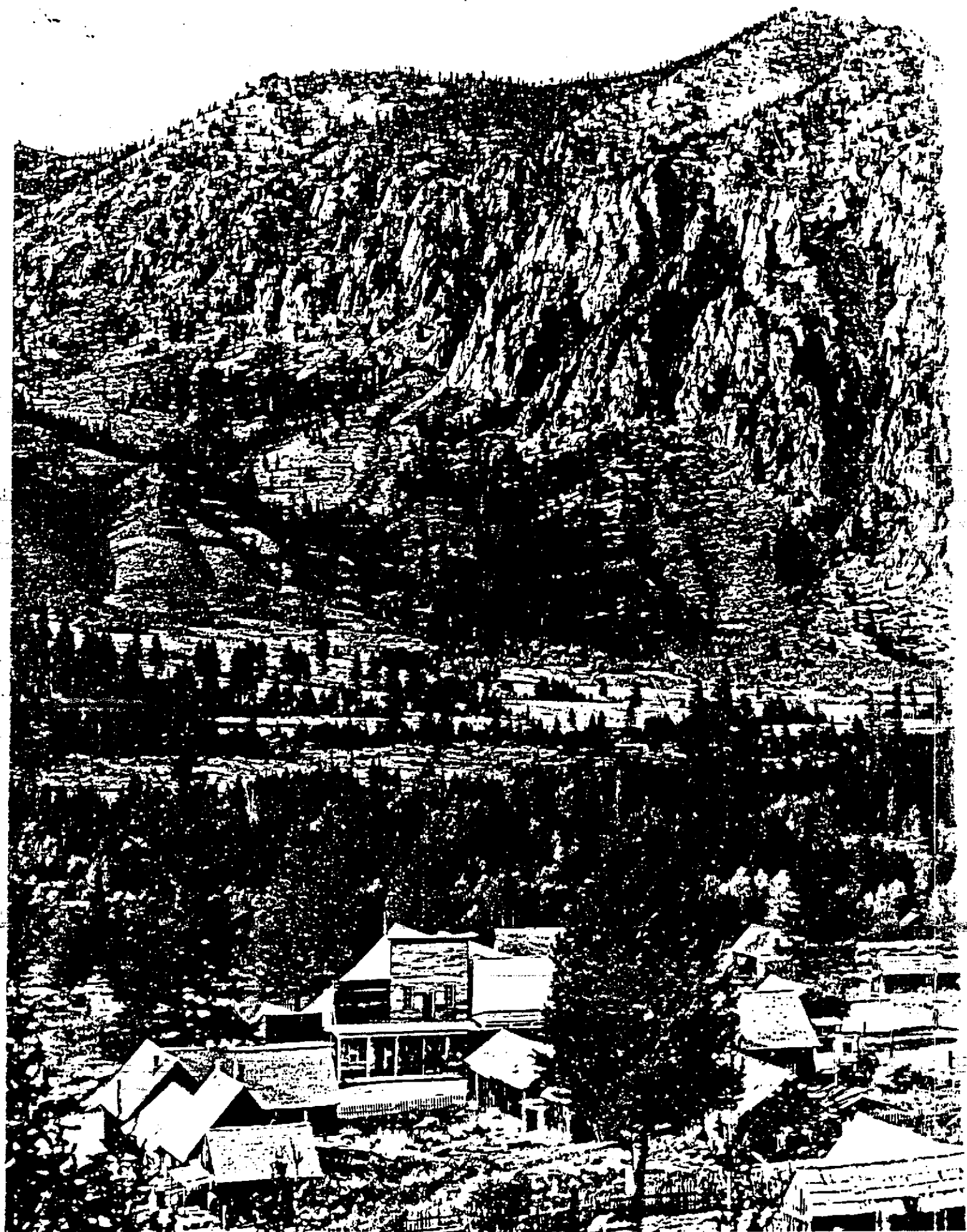
Here is a scene built and painted and garlanded by the hand of the Great Architect, Gardener and Painter for the special relief and delectation of the fatigued and way-worn tourist.

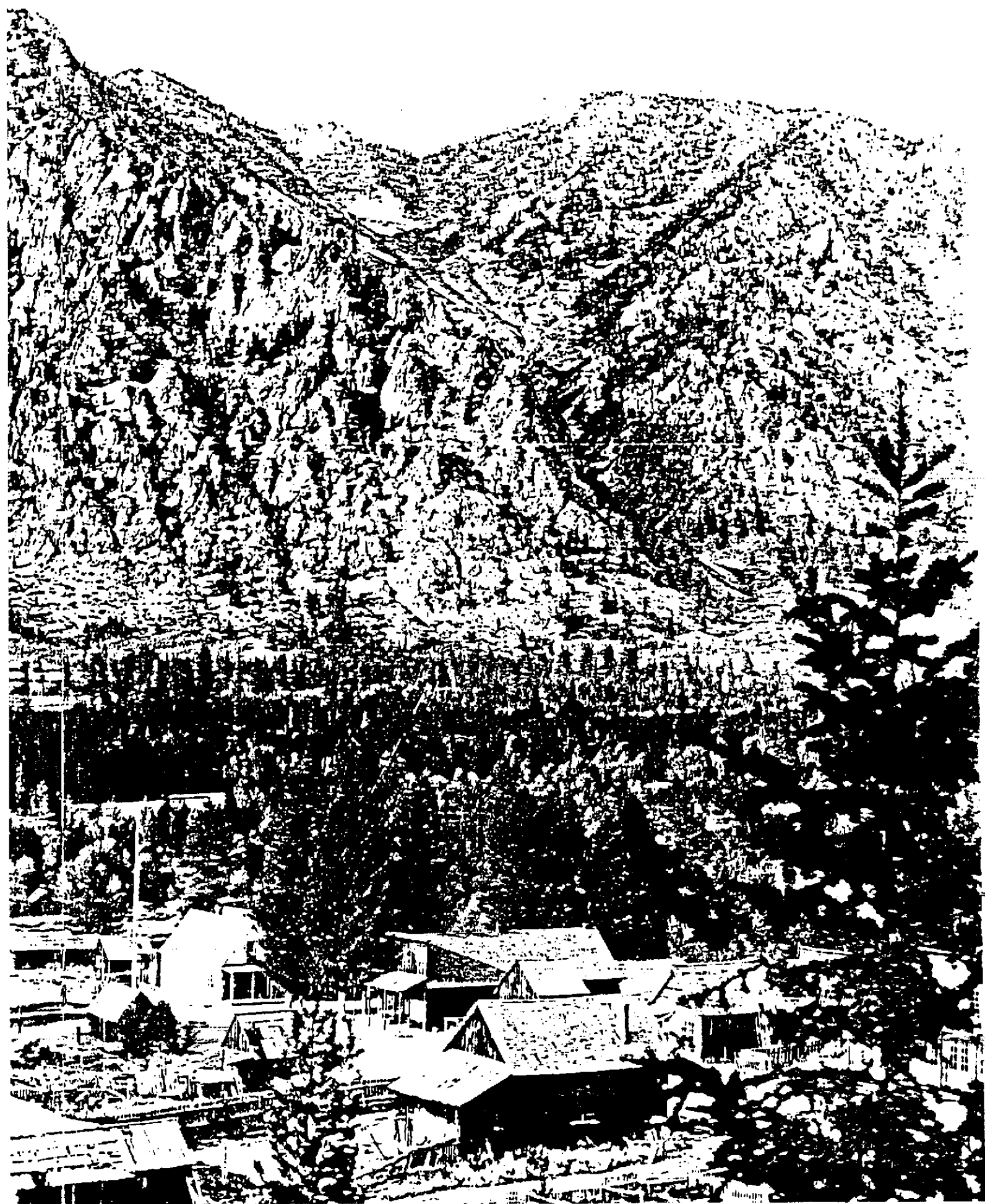
We reached the comparatively level land near the Middle Boise, at a point known as Alturas Bar. Here, in former years, considerable placer mining was done; the evidences of which are seen in patches of naked bed-rock, heaps of boulders and deserted and dilapidated cabins.

We arrived at Cummings' hotel, in Alturas, at two o'clock p.m., and were grieved to find the worthy landlord confined to his room with a distressing illness. The amiable landlady, Mrs. Cummings, is fully equal to all the requirements of hotel keeping and knows how to make guests comfortable. Here we found milk and fresh fish in abundance, with good bread, good coffee and good beds.

The town of Atlanta is situated on a smooth plain of about two hundred acres, surrounded on all sides by rugged and lofty mountains. The ground slopes gradually to the river, forming one of the best and most beautiful town sites I ever saw. Across this area runs a creek of good size, affording abundant water power for mills and machinery. The best timber for every needed purpose abounds in the immediate vicinity. The town contains two hotels, two stores of general merchandise, two butcher shops, two saloons, one drug store and all the other needed institutions which go to make up the beginning of an incipient city. There is an excellent school, presided over by an accomplished and experienced teacher, Miss Hattie Dunagan. I visited this school and was delighted with the manner of the teacher and her method of teaching, as well as with the behavior and proficiency of the pupils.

The businessmen here are energetic, enterprising and accommodating, and the citizens generally are gay, genial and hospitable. All classes, and indeed every individual with whom I have conversed, entertain the most brilliant hopes of the early future, and in this they know they have the backing, for just back of the town, to the





south, about a mile and a [half] distant, the great Atlanta lode⁹ stretches athwart the mountains. This lode is more than sixty feet wide and has been traced and prospected for a length of three miles. Wherever penetrated it has revealed unmistakable evidence of almost fabulous richness. I have no desire to exaggerate the resources of this great lode; indeed it would be difficult to do so, as every day is bringing fresh evidence of the enormous wealth that has here lain so long hidden. There is no longer room for doubt that the mother bonanza of the continent is here. The central section of the already discovered portion of the lode is owned by the two principal companies — one called the Monarch¹⁰ and the other the Buffalo Company.

The Monarch Company have very extensive works and have penetrated and are working the lode with three different levels. They are taking out and shipping ore, running all the way from \$500 to \$10,000 per ton. That they ship ore very much richer than this even, is currently believed, but not known, as they choose, from some motive or other to keep much of their operations secret. As far as can be known, ore running from \$50 to \$500 per ton is crushed here at the company's mill, by which process they are said to save but a small percentage of its value.

Into the dump at the mine no doubt, goes tons of ore which would yield a handsome profit under a rational system of mining and reducing ores on the ground. Had I not seen Mr. Crafts' works at Banner and witnessed their operations and results, I could have some patience with the absurd system I find in operation here. As it is I do not wish the *Statesman* or anyone else to endorse what I may write, unless it is true. To the gentlemen in charge of the mine I am indebted for all the hospitality and courtesy that could be shown a stranger. The faults are in the system under which they are compelled to act and not in them. Here are mines pouring out thousands of dollars daily in rich ore, and adding nothing to the local circulation. How are people to believe in the existence of rich mines, when on arriving here they find only the money they have brought in their own

pockets? The lode is rich, nevertheless; I have had ocular demonstrations of that.

The company employs men and feeds them at an excellent boarding house, furnishing them with all needed articles from their own supplies, and is ready to pay up and discharge any man who insists upon having money, and claim that they will soon be ready to meet all demands and pay regularly thereafter. This is the financial situation as nearly as I can understand it.

It is a feast for the eyes to see the rich and splendid specimens that are daily taken from the mines here. Masses of beautiful quartz crystals, frosted over with other minute crystals, the interstices glittering with silver rubies or ruby silver, and clustering cubes of antimonial and arsenicated silver; wedges and slabs of nearly pure silver, of a dark color, bridles and baskets and hair nets of silver wire, fashioned by the hand of nature in this, her favorite laboratory; it is incredible and must be seen to be realized.

The gentlemanly superintendent of the [Buffalo] company, Mr. Einsfeldt, told me that the company's mill would start up around the first of December.

They intend erecting furnaces and reduction works as soon as possible. This will be a consummation devoutly to be wished. They have an abundance of excellent milling

⁹The Atlanta lode, discovered in 1864, eventually proved to be Idaho's major gold quartz producer. A suitable recovery process was not employed until 1932, so most of the \$18,000,000 or so that came from the Atlanta lode was produced during and after the depression.

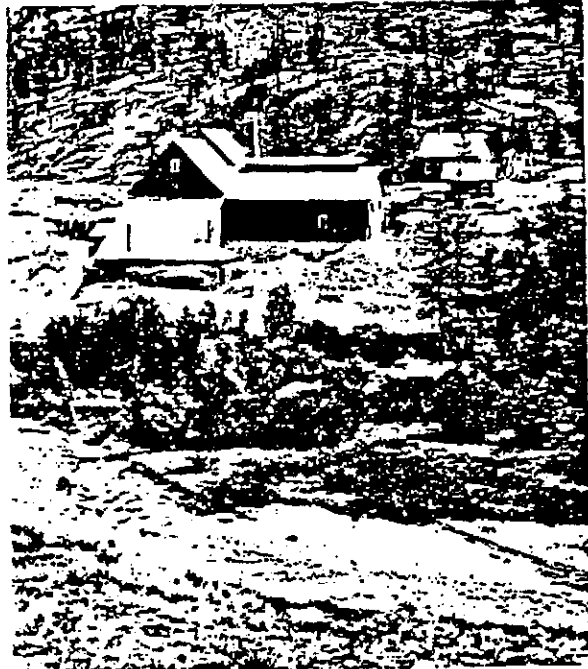
¹⁰Capitalists from Indiana organized the Monarch in 1868 and tried without much success to operate a stamp mill then. Little silver could be saved at that time. But the Monarch continued intermittent high grade production until 1874, when a rich surface discovery brought a substantial revival of interest in the Monarch. Then, at the beginning of 1876, some leasers began to work the Monarch, which produced about \$1,400,000 from high grade ore by 1884.

¹¹Joshua E. Clayton, a native of Georgia, had gone into gold mining there before joining the California gold rush. A self-taught mining engineer, he "attained the top rung of recognition in the field and at the time of his death in an [Idaho] stagecoach accident in 1889 was without a peer in his profession" (Clark C. Spence, *Mining Engineers and the American West: The Lacer-Boot Brigade* [New Haven: Yale University Press, 1970], 21). Although he went to

ore already extracted and ready for the mill. The mine is showing up splendidly, but they owe a great deal of money here and have not paid up for a long time. These cruel facts take all the romance and splendor out of the magnificent picture that these mines present to the view. But it is impossible that this state of things can very long continue. The great companies will no doubt work into right shape after a while; if they do not there are numerous other mines upon the same lode which have already furnished evidence of being rich. These mines cannot fail soon to attract the attention of real miners and rational capitalists and then a new era will commence. I can only speak of what I have seen. I visited the mine belonging to Julian Hill & Co. They own upon the western extension and have a long tunnel in. It is the opinion of all the experts and miners here, including Professor Clayton,¹¹ who is said to be the most accomplished and most practical expert who has ever visited this region, that this mine will prove equal in value to any other on the lode. With all this wealth in sight and in prospect it will not do for poor men to think that they can get rich by rushing in here. Every laboring man here earns by the hardest work every dollar that he obtains, and is not always sure of an opportunity to earn it.

great effort, he did not manage to find a suitable recovery process for Atlanta ore, but then neither did any other engineer of his generation.

¹²The Emma mine, in Little Cottonwood Canyon near Alta, Utah, was located in 1868. It was sold to British investors beginning in 1871, with the assistance of an evaluation by Yale chemistry professor Benjamin Silliman, Jr., who described it as being "in the category of the great mines of the world." A considerable variety of illegal or immoral schemes was used to sell shares. One of the directors of the company, Robert Schenck, was United States ambassador to the Court of St. James — a fact that was not appreciated on either side of the Atlantic. He eventually withdrew from the directorship, but the withdrawal was not made known until after all shares were sold. By the end of 1872, for all practical purposes the Emma had been gutted, and dividends ceased. The Emma is perhaps the classic promotional fraud of Western mining; a detailed account of the whole episode is found in Clark C. Spence, *British Investments and the American Mining Frontier, 1860-1901* (Ithaca, N.Y.: Cornell University Press, 1958), 139-190.



BUFFALO MILL

Atlanta, I.T.
Sept. 12, 1876

DEAR STATESMAN:

Professor Clayton, who ranks among the first geologists in the United States and who unraveled all the mysteries of the Emma Mine¹² to the satisfaction of the Congressional Committee when they were engaged upon that subject, is here for the purpose of examining the geological structure of this region and investigating the resources of the mineral belt inclosing the great Atlanta lode. He expresses the opinion that this lode is one among the few great receptacles of the precious metals yet found on the continent and that it is second to none. In the hands of the Professor the secrets of earth's structure are laid open to sunlight and made as plain and as simple as an example in addition. His theories, if they may be called such, are so completely established and supported by facts that they must be accepted as extremely probable, to say the least, by the learned and the unlearned. He believes that the Atlanta

lode is a true mother fissure, that it reaches to the greatest depth, that it is continually intersliced with bodies of rich ore and that the rich streaks will increase in thickness and richness as greater depth is attained. The developments and discoveries daily made by the two principal companies now operating on the lode as well as all the facts brought to light by others, give to his words the character of true prophecy. If Idaho could secure the services of this truly enlightened geologist and practical miner in examining, surveying and mapping her mineral districts it would save a world of blind prospecting and mis-applied labor, give a right direction to mining operations and bring us to the middle of the golden age.

The machinery for the Buffalo Company's mill has been on the road between this place and Rocky Bar since Sunday, September 3d and has not yet arrived. Over nine days making eighteen miles! This demonstrates the necessity of a wagon road by the way of the Middle Boise.

The mill when up will only be used to crush waste and the lower grade ores which will not pay so well to ship. The company intends to have roasting furnaces and reduction works next year. "To-morrow, to-morrow and to-morrow." This company is now working through a vein of ruby silver ore of the highest grade in a side cut to their main tunnel on the lower level which will probably assay \$20,000 to the ton. This ore will be shipped east for reduction. Thousands of dollars in rich ore are daily leaving the Territory. This is valuable taxable property in the county of Alturas which virtually goes untaxed, as it has been difficult to affix its assessable value. By a skillful use of all the means in their power these two companies, no doubt, hope at no distant day to unite their bodies (they have no souls,) and then buy up all the other claims on the main lode and its many rich side veins and feeders. This accomplished they will be able to take care of the Atlanta lode, the people of Idaho, with whom they have neither sympathy nor interest, may take care of themselves. This scheme would have little prospect of success

if the immense wealth of these mines could be believed by those who never have seen them. The men here who own rich mines without the means of making them immediately available will hold on to them as long as they can in the hope that mills and facilities for reducing the ores will be brought and erected here or within reach. The people of Alturas and of Boise City will have themselves to blame if from want of diligence and true enterprise they fail to employ all proper means and avail themselves of all right opportunities to checkmate the movements of the soulless eastern monopolies.

It is a disagreeable duty to have to speak thus of these companies, for their agents and employees here do all that is permitted them to make visitors at Atlanta and the mines welcome and happy. In this writing I only give expression to the feelings and opinions of all whose interests are not identified with the system by which the mines are being operated.

I visited the mines again yesterday in company with some friends who are here from the Overland road. Mr. and Mrs. Record and their daughter, Mrs. Lindsay, Mr. Joseph Bowns and his amiable and accomplished daughter, Miss Ella Bowns, and Miss Ellis, late of Boise City, were of the party. The old people were obliged to go on horseback, as the whole distance, nearly two miles, was up a pretty steep grade, but Miss Bowns and the adolescent scribe of the *Statesman* went all the way on foot, made the tour and inspection of the mines and returned home by the same conveyance. At the mine we were pleasantly welcomed and hospitably entertained by Mrs. Lantis, the wife of Mr. T. Lantis, the Superintendent of the Monarch Company. Mrs. Lantis has always a pleasant smile and kind welcome for visitors, and a rare treat in the exhibition of her wonderful and magnificently beautiful collection of splendid specimens of rich ore which is daily increasing in size and splendor as the developments in the mine go on. The visit would have been a perfect pleasure if the ladies and gentlemen residing at the mine could have felt themselves at liberty to grant

us access to all the rich secrets of this great treasure house, but the iron hands of the great moguls who reside beyond the Mississippi are felt here by all, without the intervening softness of the velvet glove. For reasons of their own, they do all they can to keep secret the sources of the great river of wealth which is daily flowing from the heart of this mountain of silver, but so far as their ulterior purposes are concerned, all these precautions will be of no avail as mines equally rich and much more extensive are as yet beyond their control. These mines can and will and must be developed and operated in the interest of Alturas county and of Idaho Territory.

Rocky Bar, I.T.
Sept. 14, 1876

DEAR STATESMAN: — A week passed in Atlanta and vicinity in daily contact with the evidences of the growing richness of the great mines was more than sufficient to convince the most skeptical that the future of Alturas county and of Idaho Territory is safe so far as the existence of silver mines can make it so. A detailed account of each separate mine, the developments already made and of the operations going on would be of no great interest to the general reader who is unfamiliar with individuals and localities. The fact that here in the heart of this mountain lie buried exhaustless stores of silver nearly in a pure state and the question of its extraction and reduction so as to make it a source of wealth to Idaho are the matters most interesting to the people. These matters are now engaging the attention of those who are more competent to deal with them than I feel myself to be.

The little town of Atlanta is daily growing in size and importance and will in a few years be the handsomest and most thrifty mining town on the continent. The site of the town is admirably adapted to the purpose of building.

A broad plain, traversed by a bright little river toward which it gently inclines, is surrounded on all sides by lofty granite mountains. It is a picture of serene loveliness reposing quietly in the midst of rugged grandeur and sublimity. It would seem as if the wildest dream of a poet-pro prospector had been realized; a mountain of gold and silver, an Eden-like site for a city and magnificent scenery exciting the admiration of the artist — tempting his hand and defying his power at the same moment.

Main street in Atlanta is 5,250 above the sea level. To the north-east, across the river, rises Mt. Greylock 3,200 feet above the town.¹³ The face which this mountain presents to the town is a study for the geologist, the poet and the painter. A thousand sharp granite peaks, varying in height from 50 to 300 feet, rise one above the other occupying the entire visible portion of the abrupt face of the mountain. While twilight is extending its first thin veil over the valley the departing light of the setting sun is seen climbing the mountain side and successively kissing the rugged peaks good night. A climb to the summit of Mt. Greylock is extremely difficult even for the practiced and fearless mountaineer, but this feat was successfully accomplished a few weeks ago by a party of ladies and gentlemen from Atlanta.¹⁴ The ladies of the party were Mrs. Tilman and her niece Miss Hicock, Mrs. Cowen and Miss Hattie Dunagan. The ladies all claim that they stood upon the very highest pinnacle, but Miss Dunagan insists that she did the most climbing. Mr. I.J. Baldwin, one of the party, claims that he went farther and fared worse than the ladies did, which is very ungallant of him, as the ladies fully earned all the renown which their powers of endurance entitled them to. As I was not of the party and was never over the ground I would be obliged to draw entirely upon my imagination for particulars. The view from the summit embraces all the elements and features of grandeur and beauty. The scene, as it was described to me by Miss Hattie and by Mr. Baldwin, separately and at different times, must have been very grand and inspiring. They agree so perfectly that I

¹³Mount Greylock's elevation is 9317 feet.

¹⁴The climb up Mount Greylock, although it looks dramatic, is in fact a very easy one. Coulter never tried it.

am convinced that their point of view must have been identical, and all their thoughts and sentiments attuned to harmony.

The people of Atlanta are gay and social and much disposed to make the most of the innocent and healthful exercise of dancing. There are several excellent musicians who would be heard with pleasure anywhere. Many of the ladies and gentlemen have their homes in the Eastern cities and have brought with them the refined manners and cultivated minds for which those centers are noted. They adapt themselves to the changed scenes and associations with a graceful urbanity and frank hospitality which is admirable. The people, taken as a whole, coming as they do from every quarter, are respectable, well informed and possess all the qualities which make good citizens. Society, however, is as yet in rather a crude and unformed state as those of acknowledged respectability are not quite agreed as to where the line of social recognition and privileges should be drawn. This produces occasional jars, disappointments and failures in getting up parties. One party feels in duty bound to stand by the old land marks, while the other, which may be called the liberal party claims that the infirmities, mental or moral, which may be imagined to afflict those in question, are not contagious and cannot be carried in the clothes or spread abroad in any manner after the dance is over. This difficulty will disappear as the population increases, so as to furnish sufficient numbers to form sets and coteries as they exist in all towns of a few thousand inhabitants. The line must doubtless be drawn somewhere, but the requirements of super-refined ideas are often irrational, cruel and unjust to all parties. With all this, every thing moves along nicely enough, and balls, concerts and socials are frequent and pleasant in Atlanta.

On my arrival at Atlanta, a week ago, I met Miss Nellie Smith of Boise City and her escort Mr. Tregaskis¹⁵ of Silver City. Miss Nellie looked splendid, as the mountain breezes had brought all the roses which bloomed last spring in her beautiful garden on Grove street to her cheeks and her eyes had caught and

appropriated all the sparkle of the bright crystals as they came from the mines. If the young ladies of Boise City could know how health-giving and beautifying is the air in the grand mountains of Alturas, to say nothing of the admiration and devoted attention of the hardy and good looking mountaineers, I feel certain that next summer would bring them here in such numbers that mining operations would be suspended during their stay. On Sunday morning last I accepted an invitation to go with a young lady friend to visit some neighbors.

Old age, while it brings some cruel disadvantages and infirmation, also brings some blessed exemptions and privileges. All recognize the duty of treating the aged and the shadow that is passing away with consideration and kindness — to cheer his lonely hours and smoothing his pathway to the tomb. I am sure that I owe much, if not all the many kind attentions I receive to these motives.

We visited the homes of Messrs. Dennison and Cowen who live near each other. Mr. D. was absent at Rocky Bar, but Mr. and Mrs. Cowen and Mrs. Dennison entertained us splendidly. These families, as well as Mr. and Mrs. Tilman and her charming niece Miss Hicock came from New York City, whither they return to spend the winters like birds of passage. After an hour's pleasant chat and accepting an invitation to dinner at 1 o'clock, Mr. Cowen and myself, to afford the ladies an opportunity to compare notes and overhaul things generally, concluded to take a stroll up the river above town. Passing the Monarch mill, which was keeping Sunday, we crossed the stream by a bridge and proceeded along the banks to a point opposite the Warm Springs. Here water, exactly of the right temperature for bathing, gushes out from near the top of the high perpendicular bank, and is caught in a cistern below where graceless

¹⁵Richard Tregaskis, a native of Cornwall, was a freighter and storekeeper at various times in both Idaho City and Silver City. He had come to the west as a '49er and to Silver City in the 1860's; he was to serve in the 1876-77 Territorial Council.

bipeds go to revel in the luxuries of the bath in full view of all the Salmon in the stream. The water, strongly impregnated with iron and sulphur, percolating and dripping down the face of the rocks has painted them of various hues, which together with the patches of green grass and clusters of shrubbery and small plants, gives a beautiful and picturesque appearance to the bluff. Mr. Cowen, to provide against accidents, had brought along a curious iron weapon affixed to a long staff. Above the Warm Springs, on a riffle in the stream showing his broad fins above water we discovered a huge salmon and immediately gave chase. Up and down the stream we pursued the monster. We lost him after a desperate struggle, but friend Cowen believes yet that he is dead, as the spear went clear through him. We returned to the house carrying the spear and good appetites for dinner, but no salmon. After dinner the two ladies, Mrs. Dennison and Mrs. Cowen presented the STATESMAN office, through its representative, with a nice parcel of specimens of rich ore and beautiful crystals. At two o'clock we went to the school room to attend Sabbath school. The songs, lessons and exercises were very edifying and interesting. The worthy and devoted Superintendent, Mr. Langmade asked me several questions suggested by the Bible lesson and was charmed by my answers. He would have resigned the Superintendency in my favor if I could have consented to serve. When the Sabbath school was dismissed I returned to the hotel with my fair escort, was gracefully and kindly seated in the parlor, and left awhile to my own thoughts. After supper we walked four deep, three young ladies and myself to the residence of Mr. Tilman where music, vocal and instrumental, gave exquisite expression to those soul moving hymns of Moody and Sankey which have brought to many thousands out of the desert sands of worldliness to the green pastures and refreshing waters of the gospel. The closing scene of the days pleasant labors was the walk from the cottage to the hotel, where I endeavored to impress upon the minds and hearts of my young friends the lessons of the

Sabbath school, and the sentiments of the hymns we had sung and played.

On Tuesday evening, the last evening of my stay at Atlanta, I had the pleasure of being at a pleasant social party which gathered at the residence of Miss Ellis, late of Boise City. There were present, Mrs. Record and her daughter, Mrs. Lindsey, Miss Ella Bowns and Miss Laura Ford the interesting daughter of Mrs. Newcomer, of Rocky Bar. The gentlemen present were Mr. Record, Mr. Bowns, Mr. Hall, Mr. Parker, Mr. Chapman, Mr. Goodliff, and Mr. Dardis. The music by Messrs. Chapman and Goodliff from violin and banjo was superb, and unsurpassed by anything I ever heard. Several quadrilles and other dances beguiled the fleeting hours until the time approached for separating. The Highland fling was danced by Miss Laura Ford, whose beauty, skill and grace gave unbounded delight to the company.

I left Atlanta on Wednesday morning, with many regrets that I could not stay longer.

I was sorry to leave my friend, Mr. Cummings, the kind and courteous proprietor of the hotel where I had stopped, dangerously ill. He had not left his room during the whole week of my stay. I learn to-day that he is worse and that his recovery is despaired of. Only last spring Mrs. Cummings lost her little Maggie, who was swept away from her by the cruel flood, and now she is threatened with a still severer blow. I arrived at Rocky Bar last evening and found the District Court not yet adjourned. I was in the court room this morning and heard the verdict of the jury in the case of the Monarch Co., against Tompkins and others. The company failed to make a case for want of legal proof, and so ends the great rock trial, after adding handsomely to the Alturas county debt.

In thus patiently and laboriously writing up the mines of Atlanta, I have kept steadily in view the golden rule.

The mines do not need any daubing, and so far as the great companies who control the two principal mines are concerned, since nothing can be said in their favor, it is perhaps better to leave them to their own consciences. . . .

RECEIVED

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES OF THE
STATE OF IDAHO

APR 9 1986

Givens, McDevitt, Pursley,
Webb & Buser

IN THE MATTER OF APPLICATION FOR PERMIT)	ORDER ISSUING
NO. 65-10275 IN THE NAME OF C. LEE)	PROPOSED MEMORANDUM
BARRON AND/OR LYNN E. STEVENSON)	DECISION

A. Kenneth Dunn, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, Norman C. Young, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposed decision pursuant to Idaho Code, §67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code §§42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

III.
ORAL ARGUMENTS

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral arguments in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, §42-1701A. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

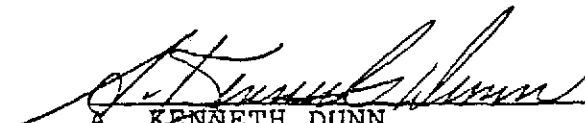
IV.
CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.
FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 8th day of April, 1986.


A. KENNETH DUNN
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 63-10275)

C. LEE BARRON and/or LYNN E.)
STEVENSON,)

Applicants,)

CARL L. MYERS, Agent for Alva)
Greene; M. ANNE CALDWELL,)
Personal Representative of the)
Marian Glovata Estate; LOUIS INAMA)
(subsequently the Louis Inama)
Estate); and JANE STONE and KERRY)
MODSMAN, as Representatives for)
about 105 Individual Petitioners,)

Protestants,)

ATLANTA WATER ASSOCIATION, INC.,)

Intervening Protestant.)

SOURCE: Springs tributary
to the Middle
Fork, Boise
River

COUNTY: Elmore

PROPOSED DECISION AND ORDER
DENYING APPLICATION FOR PERMIT NO. 63-10275

BY HEARING OFFICER NORMAN C. YOUNG

C. Lee Barron and/or Lynn E. Stevenson (applicants) having filed with the Department of Water Resources Application for Permit No. 63-10275 to appropriate unappropriated water; protests having been received; a hearing having been held; and the matter being fully briefed and submitted, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

The Application

1. On December 21, 1984, C. Lee Barron and/or Lynn E. Stevenson applied to the Department of Water Resources for a permit to appropriate 1.0 cubic foot per second from springs, tributary to the Middle Fork, Boise River, located in Elmore County, for heating purposes to be diverted during the period from January 1 through December 31 of each year. The applicants propose to divert the water within the NW1/4 SE1/4, NE1/4 SE1/4 and SE1/4 SE1/4, Sec. 35, T. 6N., R. 11E., B.M., Elmore County. The proposed place of use is within the N1/2 SW1/4, NW1/4, Sec. 2; NE1/4 SE1/4, NE1/4, E1/2 NW1/4, Sec. 3, T. 5N., R. 11E., B.M., Elmore County.

2. Notice of the application was published in the Mountain Home News on January 2 and 9, 1985.

Protests

3. Protests against the approval of the application were received from Carl L. Meyers, Agent for Alva Greene; M. Anne Caldwell, Personal Representative of the Marian Glavota Estate; Louis Inama; and approximately 105 individuals who signed a petition of protest, for which Kerry Moosman and Jane Stone were designated representatives. In addition, the Atlanta Water Association, Inc., was allowed to intervene as a protestant per an order issued by the Department on October 31, 1985.

4. The protestants raised objections to the proposed water diversions based on each of the five elements of approval that the Department can consider under the provisions of Section 42-203A, Idaho Code, by alleging that the proposed use is such that;

(a) it will reduce the quantity of water under existing water rights;
(b) the water supply is insufficient for the proposed use;
(c) the application was made for speculative purposes;
(d) the applicants do not have sufficient financial resources with which to complete the proposed work; and,

(e) it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use.

5. The applicants questioned the validity of claims to water rights from the springs filed by the U.S. Forest Service and the Village of Atlanta on behalf of the public for uses within the spring areas and the outflow channels.

6. A hearing on the protested application was conducted in Boise, Idaho on November 4 and 5, 1985. The applicants were present and represented by attorney John C. Arkoosh. For the protestants, Carl L. Meyers was present on behalf of Alva Greene; Vern P. Caldwell was present on behalf of the Marian Glovata Estate; the Atlanta Water Association, Inc., Kerry Moosman, Jane Stone and all other signators of the protest petition were represented by attorney Jeffery C. Fereday, who after the hearing also became the attorney of record for the Estate of Louis Inama.

7. The protestants represented by Jeffery C. Fereday submitted post-hearing briefs on December 12 and 26, 1985; and the applicants submitted post-hearing briefs on December 16 and 31, 1985.

Description of Spring System

8. There are five primary discernable spring areas in or near the SE1/4,

Sec. 35, T. 6N., R. 11E., B.M., Elmore County, located on property owned by the U.S. Forest Service. These spring areas are identified on the Atlanta East U.S. Geological Survey (U.S.G.S.) 7 1/2 minute quadrangle map as "Chatanooga Hot Spring" and "Atlanta Hot Springs". In addition, nearby spring areas may be located on property owned by Greene Tree, Inc. The springs on said property owned by the U.S. Forest Service are identified and referenced herein as follows:

Spring Area No. 1

This spring area appears to be located within the NE1/4 SE1/4, Sec. 35, T. 6N., R. 11E., B.M. It consists of waters issuing from at least three vents, which flow into an upper bathing pool and successively into a lower bathing pool and a larger pool called the "swimming pool" or the "frog pond".

Spring Area No. 2

This spring area appears to be located within the SW1/4 SE1/4, Sec. 35, T. 6N., R. 11E., B.M. It consists of waters issuing from one or more vents, which flow into a bathing pool.

Spring Area No. 3

This spring area appears to be located within the SE1/4 SE1/4, Sec. 35, T. 6N., R. 11E., B.M. It consists of waters issuing from one or more vents, which flow into a bathing pool.

Spring Area No. 4

This spring area appears to be located in the SE1/4 NE1/4, Sec. 35, T. 6N., R. 11E., B.M. It consists of waters issuing from one or more vents, which flow into two (2) bathing pools.

Spring Area No. 5

This spring area, identified as Chatanooga Hot Spring on the U.S.G.S. 7 1/2 minute quadrangle, appears to be located in the NW1/4 SE1/4, Sec. 35, T. 6N., R. 11E., B.M. It consists of waters issuing from a series of vents on a hillside, which flows into a bathing pool.

9. Definitive information regarding the rates of flow and water temperature of the five springs is not available in published records. U.S.G.S. data sheets provide the following data, based on estimates of rate of flow and measurements of temperature:

<u>Spring Area No.</u>	<u>Rate of Flow (cfs)</u>	<u>Temp. (C.°)</u>	<u>Date of Data Collection</u>
1	0.13	60	9/1/1981
3	0.15	53.5	9/1/1981
5	0.22	53.0	9/1/1981

10. The rates of flow in spring areas nos. 2 and 4 are unmeasured, but have been estimated to be 0.09 cubic feet per second each.

11. Spring areas nos. 2 and 4 appear to be located outside the locations for points of diversion specified on the applicant's Application for Permit No. 63-10275. The applicants have indicated that they do not intend to amend the application to specify additional tracts of land to contain additional points of diversion.

12. Outflow from each of the five spring areas is diverted by at least one dam, and in some spring areas by additional pipes and facilities. Water at each spring area is used by the public for recreational and domestic purposes on a periodic basis throughout the year.

Existing Water Rights and Public Uses

13. Existing recorded water rights and claims to water rights from the five spring areas are as follows:

<u>Water Right or Claim No./ Name/Remark</u>	<u>Type of Filing</u>	<u>Spring Areas</u>	<u>Rate of Flow (cfs)</u>	<u>Use</u>	<u>Date of Priority</u>
63-5121 U.S. Forest Service	Statutory Claim	1,3,5	1.0	Domestic	7/1/1930
Remark: Spring areas nos. 2 and 4 do not appear to be located within the points of diversion described on this claim.					

63-3468 License 1 0.1 Recreation 9/23/1965
Village of Atlanta
Remark: The legal descriptions of the point of diversion and place of use were described incorrectly because the area was unsurveyed.

63-5376 Statutory Claim 5 0.22 Domestic/ 9/1878
Village of Atlanta Recreation
Remark: Claim was filed by the Atlanta Historical Society.

63-5377 Statutory Claim 1,2,3,4 0.45 Domestic/ 7/2/1873
Village of Atlanta Recreation
Remark: Claim was filed by the Atlanta Historical Society.
NOTE: Inclusion in this Finding of data concerning claims to water rights does not verify the validity of the claims nor quantify the extent of use pursuant to the claims.

14. License No. 63-3468 in the name of the Village of Atlanta describes the point of diversion as the NW1/4 SW1/4 (unsurveyed), Sec. 36, T.6N., R.11E., B.M., and describes the place of use as the SE1/4 SE1/4 (unsurveyed), Sec. 35, T.6N., R.11E., B.M. Now that the area has been surveyed, it appears that these legal descriptions are incorrect. Based on information in the file, it appears that License No. 63-3468 pertains to spring area no. 1.

15. The statutory claims filed by the Atlanta Historical Society for the Village of Atlanta, Nos. 63-5376 and 63-5377, overlap Claim No. 63-5121 filed by the U.S. Forest Service, and License No. 63-3468 in the name of the Village of Atlanta.

16. At the time of the hearing, the applicants had not physically measured the flows at any of the five springs.

17. Man-made pools have been formed at each of the five spring areas. Use has been made by the public routinely of all available flows at each of the

five spring areas on a periodic basis at all times of the year. Because many of the cabins and houses in the Village of Atlanta do not have indoor plumbing facilities, the pools are frequently used for domestic bathing as well as for recreational purposes by the citizens of Atlanta and other members of the public. The use of the water for recreation and domestic purposes is important to the local community.

Proposed Project

18. Applicants propose to provide heating water to buildings, and possible greenhouses and a public bathhouse, within the vicinity of the Village of Atlanta, Idaho. Applicants have not provided a specific project description, a specific development plan, or evidence of a market for the heating water.

19. The information provided by the applicants with respect to the proposed use of water is insufficient to enable an evaluation of the project. The applicants indicated that no technical evaluation of the cost or feasibility of the proposed project had been conducted at the time of the hearing.

20. The record does not include adequate evidence to make a finding that the applicants have sufficient financial resources with which to complete the project. A Motion by the protestants is pending before the Department to augment the record or to reopen the hearing to accept evidence regarding the financial capabilities of the applicants.

21. The Village of Atlanta is located about one mile from the proposed points of diversion. Buildings within the Village of Atlanta are shown on the application for the proposed project as the intended primary recipients of

water for heating purposes.

22. The majority of the residents of the Village of Atlanta signed petitions of protest against the approval of Application No. 65-10275, and also signed petitions stating that they do not intend to purchase or use geothermal water to heat any of the homes, businesses or other buildings within the Village of Atlanta.

CONCLUSIONS OF LAW

Applicable Legal Principles

1. Idaho Code Sec. 42-203A(5) (Supp. 1985) states in part as follows:

The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the department that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. Persons may not file an application for a water right and then seek a place for use of the water. Lemmon v. Hardy, 95 Idaho 778, 781 (1974).

3. An applicant for a water right permit is required to prove that it is reasonably probable that the applicant can obtain the necessary financing to complete the project within the time constraints of the permit and the Idaho Code. Shokal v. Dunn, ___ Idaho ___, 707 P.2d 441, 446-447 (1985).

4. An applicant for a water right permit must provide plans definite enough to reflect the impacts and implications of the project upon the public interest. Id. at 450.

5. Consideration of the local public interest criterion of I.C. 42-203A(5) includes among other considerations the appropriation's benefit to the applicant, its economic effect, its effect of loss of alternative uses of water that might be made within a reasonable time if not precluded or hindered by the proposed appropriation, its harm to others, its effect upon access to navigable or public waters, the intent and ability of the applicant to complete the appropriation, the effect on minimum stream flows, the discouraging of waste, the encouraging of conservation and any locally important factor impacted by the proposed appropriation. Id. at 449.

6. An applicant for a water right permit must bear the burden of proof under I.C. Sec. 42-203A to show that the project is either in the local public interest or that there are factors that outweigh the local public interest in favor of the project. Id. at 450.

Application of Legal Principles

7. The project plans submitted by the applicants do not adequately describe the proposed project.

8. The proposed project is speculative because of the failure to provide more definite plans for the use of the water.

9. The applicants have not proven that it is reasonably probable that they can obtain the necessary financing to complete the project.

10. The applicants have not sustained their burden of proof under I.C.

Sec. 42-203A, that their proposed project is in the local public interest or that there are factors which outweigh the local public interest in favor of the project.

11. The local public interest requires that the naturally heated water from the five spring areas remain available for recreational and domestic beneficial uses by the public on a year-round basis.

12. An application for permit, to be approvable, must be able to satisfy all of the criteria of Section 42-203A, Idaho Code. Because the project proposed by application no. 63-10275 does not meet several of the criteria, the Department does not need to determine the issues of availability of unappropriated water and the effect on other existing water rights. For this reason, no ruling is entered concerning the issue of the validity of the claimed water rights of the U.S. Forest Service and the Village of Atlanta.

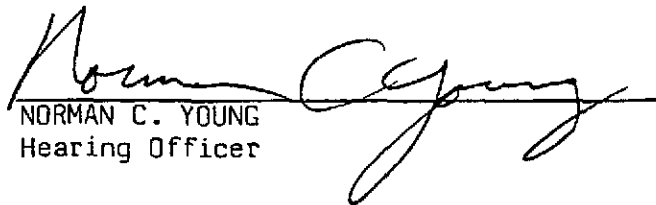
ORDER

IT IS, THEREFORE, ORDERED that Application for Permit No. 65-10275 is HEREBY DENIED because (1) the proposed project is not in the local public interest as found and determined in the above Findings of Fact and Conclusions of Law, (2) the application is speculative due to the failure to provide information sufficient to evaluate the implications and impacts of the proposed project, and (3) that the record does not demonstrate that it is reasonably probable that the applicants can obtain the necessary financing to complete the project.

IT IS FURTHER ORDERED that applicants' Motion to Augment the Record or to Reopen the Hearing in this matter is also HEREBY DENIED, because it would serve

no purpose given the denial of the application.

DATED this 7TH day of APRIL, 1986.


NORMAN C. YOUNG
Hearing Officer

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 63-10275 IN THE NAMES OF
C. LEE BARRON &/OR LYNN E. STEVENSON

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 8th day of April, 1986, true and correct copies of the foregoing ORDER ISSUING PROPOSED MEMORANDUM DECISION and PROPOSED DECISION AND ORDER were mailed, postage prepaid to:

C. Lee Barron &/or Lynn E. Stevenson
P. O. Box 357
Fairfield, ID 83327

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Estate of Louise Inama
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RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2001

ATLANTA HISTORICAL SOCIETY INC
GENERAL DELIVERY
ATLANTA, ID 83601

Re: Claim No(s) 63-5376

63-5377

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by **October 15, 2001**, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures